HITACHI

HITACHS AMERICA, LYD. COMPUTER DIVISION

200 LOWDER BROOK DRIVE, SUITE 2200

WESTWOOD, MA 02090-1157

TELEPHONE (617)890-0804 (617)890-6677

BILL TO:

CUSTOMER NUMBER: 4940 Dash Inc (Crago Corp) 7228 W Frontage Road MERRIAM KS 66203

SHIP TO:

CUSTOMER NUMBER: 4940

Dash Inc (Crago Corp)

913-888-6555

7228 W Frontage Road

MERRIAM KS 66203

INVOICE: 9004069761

INVOICE DATE:

03/05/2002

CUST PO NUMBER:

34066 02/26/2002

CUST PO DATE: DELIVERY NOTE:

80129677

DELIVERY DATE: BILL OF LADING: 153 889 542

03/05/2002

SHIPMENT DATE: 03/06/2002

SALES ORDER NO: 81138

CURRENCY:

USD

DELIVERY TERMS: PAYMENT TERMS:

FOB Destination Cash in advance

REMIT TO:

Hitachi America Ltd.

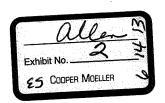
Drawer CS 198308

Atlanta GA 30384-8308

PAID BY CHECK # 023255 DATED 2/27/02: .

our Line	CUST LINE NO	MATERIAL	DESCRIPTION QTY	PRICE/PER UN	ær	VALUE
000002	-	CM615U-521	17" Color CRT 1	Conitor		
			72 PC	149.0000 /	1	10,728.00
000004		CM7150-511	19" Color CRT I	Display Monitor		
			48 PC	244.0200 /	1	11,712.96
			•			
	·		ሚልጥል	T- *	27 (140 96 HSD

THESE COMMODITIES ARE LICENSED BY THE UNITED STATES FOR ULTIMATE DESTINATION USA. DIVERSION CONTRARY TO U.S. LAW PROHIBITED.



CRAG00000001

HITACHI

HITACHI IMMERICA, LTD.

COMPUTER DIVISION

200 LOWDER BROOK DRIVE, SUITE 2200
WESTWOOD, MA 02090-1157

TELEPHONE (617)890-0804

FAX (617)890-6677

BILL TO: CUSTOMER NUMBER: 4940 Dash Inc (Crago Corp) 7228 W Frontage Road MERRIAM KS 66203

SHIP TO: CUSTOMER NUMBER: 4940 Dash Inc (Crago Corp) 7228 W Frontage Road MERRIAM KS 66203

INVOICE: 9004069221

02/27/2002 INVOICE DATE: CUST PO NUMBER: 34005 CUST PO DATE: 02/18/2002 DELIVERY NOTE: 80129051 DELIVERY DATE: 02/27/2002 153 880 514 BILL OF LADING: 02/28/2002 SHIPMENT DATE: SALES ORDER NO. 80719

CURRENCY: USD
DELIVERY TERMS: FOB Destination
PAYMENT TERMS: Cash in advance

REMIT TO: Hitachi America Ltd. Drawer CS 198308 Atlanta GA 30384-8308

PAID BY CHECK # 023219 DATED 2/20/02

OUR LINE	CUST	NO	MATERIAL	description QTY	PRICE/PER	UNIT	VALUE
000002			CM715U-511	19" Color CRT 36 PC	Display Monitor 244.0200 /		8,784.72
				TOT	TAL:	8	,784.72 USD

THESE COMMODITIES ARE LICENSED BY THE UNITED STATES FOR ULTIMATE DESTINATION USA. DIVERSION CONTRARY TO U.S. LAW PROHIBITED.

HITACHI

HITACHI AMERICA, LTD.

COMPUTER DIVISIÓN

200 LOWDER BROOK DRIVE, SUITE 2200

WESTWOOD, MA 02030-7157

TELEPHONE (617)890-0804

FAX (617)890-6677

BILL TO: CUSTOMER NUMBER: 4940 Dash Inc (Grago Corp) 7228 W Frontage Road MERRIAM KS 66203

SHIP TO: CUSTOMER NUMBER: 4940 Dash Inc (Crago Corp) 7228 W Frontage Road MERRIAM KS 66203

INVOICE: 9004069494

INVOICE DATE: 02/28/2002
CUST PO NUMBER: 34005
CUST PO DATE: 02/18/2002
DELIVERY NOTE: 80129049
DELIVERY DATE: 02/27/2002
SHIPMENT DATE: 02/28/2002
SALES ORDER NO: 80719

CURRENCY:

USD

DELIVERY TERMS: PAYMENT TERMS: FOB Destination
Cash in advance

REMIT TO: Hitachi America Ltd. Drawer CS 198308 Atlanta GA 30384-8308

PAID BY CHECK # 023219 DATED 2/20/02

TINR OOK	CUST	MATERIAL	DESCRIPTION QTY	PRICE/PER	UNIT	VALUE
000001		CM615U-512	17" Color CRT Di 36 PC	splay Monitor 155.8200 /	1	5,609.82
		and the second s	TOTAL		5,6	09.52 VSD

THESE COMMODITIES ARE LICENSED BY THE UNITED STATES FOR ULTIMATE DESTINATION USA. DIVERSION CONTRARY TO U.S. LAW PROHIBITED.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION

30(b)(6) Crago Corp d/b/a Dash Computers, Inc.

REALTIME DEPOSITION OF DAVID MILTON ALLEN,
a Plaintiff, taken on behalf of the Defendant
Hitachi, LTD, before Ellen L. Stock, KS CSR
#0766, MO CCR # 891, RMR, pursuant to notice on
Friday, the 14th day of June 2013, at the law
offices of Polsinelli PC, Twelve Wyandotte Plaza,
120 West 12th Street, Kansas City, Missouri 64105.

- 2002; is that correct?
 - Α. Yes.

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Okay. I just want to make sure I get on the record what these various documents are

- or hard copy price quotations from Samsung,
- 2 Samtron, or Hitachi?

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- A. Not that I'm aware of. And I should add that I'm -- I can't even say for sure that those existed. They might have been just a function of telephone conversations.
 - Q. Who from Hitachi, if you recall, did you have telephone conversations with about prices?
 - A. I don't recall.
 - Q. Was there a particular person that you always called, or was it more a general Hitachi number?
 - A. I can't recall that for sure, but my usual practice was try to concentrate on one person. Try to develop a relationship with one person.
 - Q. Okay. The invoices at Allen Exhibit 2 from Hitachi are from Hitachi America Limited.

 Was that the Hitachi entity that Crago dealt with for CRT products?
 - A. Yes. That's correct.
 - Q. Okay. And do you recall the person that you dealt with from Samsung or Samtron?
 - A. Not anymore, no.
 - Q. Did you deal separately with Samsung and

- 1 And did you consider the value of a 2 volume discount versus the cost of keeping 3 product in inventory in making decisions about 4 purchasing? 5 Α. I hope we did. We should have. 6 Okay. So let's take a look at Allen Q. 7 Exhibit 2 and the first page CRAG 1. 8 Α. Okay. 9 We discussed previously that's an 10 invoice from Hitachi America that's dated March 11 the 5th, 2002; correct? 12 MR. OWEN: Objection. Asked and 13 answered. Go ahead. 14 Α. Yes. 15 (BY MR. EVERETT) So it appears that the Q. 16 the customer PO date you'll see is February 26, 17 2002? 18 That's what it says. Α. 19 And I'd just like to look at some of the Q. 20 So the payment terms indicate cash in 21 What's your understanding of what that advance. 22 means? 23 That means the invoice had to be paid Α. 2.4
 - before Hitachi would release it for shipment.

Q. And I think you mentioned previously

- that you would demand a lower price if the
 supplier required payment up front. Is that the
 case here?
 - A. Well, no. I didn't say we would demand it, but we would expect it. We would look for it. We would hope for it. We would certainly weigh the price together with the terms, and if there was prepayment involved, we would be looking for a better price.

But we weren't usually in position to demand it. We could ask for it. We might get it, we might not get it. It was hard to demand it.

- Q. And then the delivery terms are FOB destination, do you see that?
 - A. Yes.

- Q. Is it your understanding that the cost of freight was included in the price for these products?
 - A. It's hard to say that, but it means that we didn't have to pay a shipping item specifically. The cost would be -- what do I want to say? Payment to the shipper would be made by -- excuse me. Payment to the carrier would be made by the shipper.

- whatever payments were --
 - To the carrier. Α.

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- Q. -- to the carrier?
- 5 Now, realistically, they are not going Α. 6 to -- they are not in the habit of giving money 7 away. They have to get that money from 8 someplace, and the customer is where they get 9 that money from. So one way or another I assume 10 we pay for it. But it's not spelled out. 11 didn't have to pay the carrier.
 - And there wasn't a separate invoice to charge from Hitachi America for freight to Crago?
 - Correct. Α.
 - Q. Okay. So looking at the products that were purchased, it appears there were two different products that Crago purchased through this invoice; is that correct?
 - Α. Yes.
 - Ο. 17-inch color CRT monitor?
- 22 Α. Yes.
- 23 With the price of \$149 per monitor? Q.
- 2.4 Α. Um-hum. Yes.
- 25 Q. And then a 19-inch color CRT monitor

- -4:07-cv-05944-JST Document 3820-2 Filed 04/17/15 Page 14 of 132 1 (The requested portion of the record was read 2 by the reporter as follows: "Which is, you know, 3 roughly six to seven dollars higher than the 4 price of the 17-inch color CRT monitor that is 5 reflected on CRAG 1; is that correct?") 6 MR. OWEN: Objection. Assumes 7 facts not in evidence. Go ahead. 8 If we're comparing the monitor in the 9 CRAG 3 exhibit at a price of 155, to the price of 10 the 17-inch monitor on Crago 1 --11 (BY MR. EVERETT) Um-hum. 0. 12 -- yeah, that's six, almost seven 13 dollars difference. 14 Do you know whether it was the same 15 monitor that Crago was purchasing, same model 16 monitor, Crago was purchasing in CRAG 1 and CRAG 17 3? 18 I don't know for sure. I can only go by 19 the description. And there is a difference in 20 the part number in the material column of those 21 two invoices. I don't know if that's a typo. 22 suspect it was just a typo. I suspect they were
- 23 the same product. And the number -- the
- 24 difference is just a typo.

Q. Okay. Do you recall if you personally

- dealt with Hitachi America in relation to these
 purchases?

 A. Not in relation to these purchases, no,
 I don't recall.
 - Q. But did you have -- did you deal with Hitachi America directly?
 - A. Yes.

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- Q. And do you know if your buyers that you identified previously dealt directly with Hitachi America at all?
- A. I don't know. I would suspect one of them, maybe both of them did.
 - Q. Do you know why the pricing differed over the course of one week for the same product?
- A. I don't know.
- MR. OWEN: Objection. Assumes facts not in evidence. Go ahead.
- A. Yeah, I don't know. I can only speculate.
 - Q. (BY MR. EVERETT) Let's look at CRAG 6.

 Actually, before we do that, the

 monitors that are identified in CRAG 1, can you

 tell anything about the specifications for these

monitors other than the size of the screen and

- that they were CRT monitors from the invoice?
- A. I can't tell any difference from the invoice.
 - Q. Is there other information in Crago's possession that would allow it to identify the specifications for these monitors?
 - A. In our possession today?
 - O. Um-hum.

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- A. I don't know. Maybe, but it would be a long shot. Chances are that stuff is gone.
- Q. Where would you look for that information?
- A. Through any file drawers remaining that haven't already been cleaned out. There's a chance we might find it. There's a chance we might have an old catalog of ours in the file, or an old -- you know, maybe some literature from Hitachi.

The other way you could do it, I'm sure, which would be more efficient and certainly would be the first place to start, would be to just go to the Internet.

- Q. On the Internet you would look for information --
- A. By model number.

THE HITACHI DEFENDANTS' EVIDENTIARY PROFFER

SAN FRANCISCO

Case<u>da&7370-10594959547-s</u>eoqumenta288223 Filed124617115 Page 20 of 132

2. 1 Upon information and belief, HAL has never manufactured any CPT or CDT tubes or CPT or CDT finished products. 2 3 3. Upon information and belief, HAL sold CDT computer monitors during the period 2001 to early 2002. HAL did not sell CDT computer monitors from late 2002 to present. 4 5 6 I declare under the penalty of perjury under the laws of the United States of America and 7 the State of California that the foregoing is true and correct. 8 Executed this 7th day of December, 2010, in Tarrytown, New York. 9 Telle him 10 11 Tillie Lim 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27

Case <u>da 23:0-1259445947-se</u>00000000011h282823 File 104677115 Pages 21 of 132

28
MORGAN, LEWIS &
BOCKIUS LLP
ATTORNEYS AT LAW
SAN FRANCISCO

DB2/22081000.4

-2-

MDL 1917

<DOCUMENT> <TYPE>20-F <SEQUENCE>1 <FILENAME>k00264e20vf.txt <DESCRIPTION>HITACHI, LTD <TEXT> UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549 FORM 20-F (Mark One) REGISTRATION STATEMENT PURSUANT TO SECTION 12(b) OR 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934 ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934 For the fiscal year ended March 31, 2002 OR TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) (OF THE SECURITIES EXCHANGE ACT OF 1934 For the transition period from Commission file number 1-8320 KABUSHIKI KAISHA HITACHI SEISAKUSHO (Exact name of Registrant as specified in its charter) Hitachi, Ltd. (Translation of Registrant's name into English) Japan (Jurisdiction of incorporation or organization) 6, Kanda-Surugadai 4-chome, Chiyoda-ku, Tokyo 101-8010, Japan (Address of principal executive offices) Securities registered or to be registered pursuant to Section 12(b) of the Act. <TABLE> <CAPTION> Title of each class Name of each exchange on which registered **<S>** <C> American Depositary Shares New York Stock Exchange Common Stock New York Stock Exchange </TABLE> Securities registered or to be registered pursuant to Section 12(g) of the Act. None (Title of Class) Securities for which there is a reporting obligation pursuant to Section 15(d) of the Act. (Title of Class) Indicate the number of outstanding shares of each of the issuer's classes of capital or common stock as of the close of the period covered by the annual report. Common Stock 3,338,481,041 shares Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days.

Financial services originated to extend credit to purchasers of Hitachi products. This segment currently provides leases, loan guarantees and insurance services and conducts business in the area of securitization and outsourcing services.

On October 1, 2000, Hitachi Credit Corporation, a subsidiary of the Company, merged with Hitachi Leasing, Ltd., an affiliate of the Company, for the purpose of strengthening management and promoting business development in the area of financial services. The merged company changed its name to Hitachi Capital Corporation.

In fiscal 2001, the segment accounted for 6% of net sales before eliminations and posted operating income of JPY 37 billion.

Competition

Hitachi is subject to intense competition in each of its businesses. Among its major competitors are some of the top-ranking industrial companies in Japan, U.S., Europe and Asia. Depending on the nature of the business, the competition is marked by rapid progress in technology or the need to reduce costs to meet customer requirements. In addition, Hitachi is facing more competition against companies that focus exclusively on specific market segments. See "Segment Information" in this Item for details of competition in each segment.

Raw Materials and Energy

Hitachi has many suppliers from which it purchases a variety of raw materials, and is not dependent on any single source of supply for any of its raw materials. In light of the fact that Japan produces very few of the raw materials Hitachi uses in its manufacturing processes, Hitachi monitors the availability of raw materials on a regular basis. There are currently no particular energy or raw material shortages that are likely to materially affect Hitachi's business.

Intellectual Property and Licenses

Hitachi holds numerous patents, trademark rights and copyrights. While Hitachi considers them to be valuable assets and important for its operations, it believes that its business is not dependent to any material extent upon any single patent, trademark right, copyright or any related group of such rights it holds.

Ritachi also has many licenses and technical assistance agreements covering a wide variety of products. They grant Hitachi the rights to use certain Japanese and foreign patents or the rights to receive certain technical information. Hitachi is not materially dependent on any single such agreement.

Hitachi has granted licenses and technical assistance to various companies located in Japan and overseas. In certain instances, Hitachi has entered into cross-licensing agreements with other major international electronics and electrical equipment manufacturers,

Government Regulations

Bitachi's business activities are subject to various governmental regulations in countries where it operates, which include investment approvals, export regulations, tariffs, antitrust, intellectual property, consumer and business taxation, exchange controls, and environmental and recycling requirements. At present, Bitachi manages to operate its business without any significant difficulty in coping with them.

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<PAGE>

C. Organizational Structure

The table below shows major subsidiaries of Hitachi, Ltd. as of March 31, 2002.

<TABLE>

	Country of	
Name of company	incorporation	Percentage owned
<\$>	<c></c>	<c></c>
(1) Information & Telecommunication Systems		
Hitachi Electronics Services Co., Ltd.	Japan	100.0%
Hitachi Information Systems, Ltd.	Japan	52.8
Hitachi Software Engineering Co., Ltd.	Japan	52.5
Hitachi Systems & Services, Ltd.	Japan	100.0
Hitachi Telecom Technologies, Ltd.	Japan	100.0
Hitachi Computer Products (America), Inc.	U.S.A	100.0
Hitachi Computer Products (Asia) Corp.	Philippines	100,0
Hitachi Computer Products (Europe) S.A.	France	100.0
Hitachi Data Systems Holding Corp.	U.S.A	100.0
(2) Electronic Devices		
Hitachi Electronics Engineering Co., Ltd.	Japan	61.0%
Hitachi High-Technologies Corporation	Japan	73.4
Hitachi Hokkai Semiconductor, Ltd.	Japan	100.0
Hitachi Medical Corporation	Japan	65.4
Hitachi Semiconductor and Devices Sales Co., Ltd.	Japan	100.0

Hitachi Semiconductor (Malaysia) Sdn. Bhd. Malaysia 90.0 (3) Power & Industrial Systems Babcock-Hitachi Kabushiki Kaisha Japan 100.0% Hitachi Air Conditioning Systems Co Ltd. Japan 100.0	Hitachi Tohbu Semiconductor, Ltd. Hitachi Tokyo Electronics Co., Ltd. Trecenti Technologies, Inc. Hitachi Electronic Devices (USA), Inc. Hitachi Nippon Steel Semiconductor Singapore Pte. Ltd. Hitachi Semiconductor (America) Inc. Hitachi Semiconductor (Europe) GmbH	Japan Japan Japan U.S.A Singapore U.S.A Germany	100.0 100.0 60.0 100.0 53.8 100.0
Babcock-Hitachi Kabushiki Kaisha Japan 100.0%	Hitachi Semiconductor (Malaysia) Sdn. Bhd.	Malaysia	90.0
Babcock-Hitachi Kabushiki Kaisha Japan 100.0%	(3) Power & Industrial Systems		
		Japan	100.0%
	Hitachi Air Conditioning Systems Co., Ltd.	Japan	100.0
Hitachi Building Systems Co., Ltd. Japan 100.0			
Hitachi Construction Machinery Co., Ltd. Japan 54.8			54.8
Hitachi Engineering Co., Ltd. Japan 100.0	Hitachi Engineering Co., Ltd.		100.0
Hitachi Engineering & Services Co., Ltd. Japan 100.0			100.0
Hitachi Industries Co., Ltd. Japan 100.0	Hitachi Industries Co., Ltd.	Japan	100.0
Hitachi Kiden Kogyo, Ltd. Japan 58.5	Hitachi Kiden Kogyo, Ltd.		58.5
Hitachi Plant Engineering & Construction Co., Ltd. Japan 56.3	Hitachi Plant Engineering & Construction Co., Ltd.	Japan	56.3
Hitachi Service & Engineering (East), Ltd. Japan 100.0	Hitachi Service & Engineering (East), Ltd.	Japan	100.0
Hitachi Service & Engineering (West), Ltd. Japan 100.0	Hitachi Service & Engineering (West), Ltd.	Japan	100.0
Hitachi Via Mechanics, Ltd. Japan 100.0	Hitachi Via Mechanics, Ltd.	Japan	100.0
Japan Servo Co., Ltd. Japan 53.0	Japan Servo Co., Ltd.	Japan	53.0
Hitachi Automotive Products (USA), Inc. U.S.A. 100.0	Hitachi Automotive Products (USA), Inc.	U.S.A.	
Taiwan Hitachi Co., Ltd. Taiwan 61.5	Taiwan Hitachi Co., Ltd.	Taiwan	61.5
(4) Digital Media & Consumer Products	(4) Digital Media & Consumer Products		
Nitachi Nometec, Ltd. Japan 100.0%		Japan	100.0%
Hitachi Maxell, Ltd. Japan 52.4			52.4
Hitachi Media Electronics Co., Ltd. Japan 100.0			100.0
Hitachi Home Electronics (America), Inc. U.S.A 100.0	Hitachi Home Electronics (America), Inc.		100.0
Shanghai Hitachi Household Appliances Co., Ltd. China 60.0	Shanghai Hitachi Household Appliances Co., Ltd.	China	60.0

 | | |<PAGE> <TABLE> <CAPTION>

Name of company	Country of incorporation	Percentage owned
<\$>	<c></c>	<c></c>
(5) High Functional Materials & Components		
Hitachi Cable, Ltd.	Japan	52.7%
Hitachi Chemical Co., Ltd.	Japan	52.6
Hitachi Metals, Ltd.	Japan	55.0
(6) Logistics, Services & Others		
Chuo Shoji, Ltd.	Japan	100.0%
Hitachi Life Corporation	Japan	100.0
Hitachi Mobile Co., Ltd.	Japan	100.0
Hitachi Transport System, Ltd.	Japan	59.9
Nikkyo Create, Ltd.	Japan	100.0
Hitachi America, Ltd.	U.S.A	100.0
Hitachi Asia Ltd.	Singapore	100.0
Hitachi (China), Ltd.	China	100.0
Hitachi Europe Ltd.	U.K.	100.0
(7) Financial Services		
Hitachi Capital Corporation	Japan	53.1%
Hitachi Insurance Services, Ltd.	Japan	100.0

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<PAGE>

D. Property, Plants and Equipment

Most of Hitachi's plants, offices and other fixed assets are located in Japan. Hitachi considers its properties to be well maintained and believes its plant capacity is adequate for its current needs. Certain of Hitachi's properties such as land and buildings are subject to mortgages in respect of bonds and loans. The total outstanding balance of the secured loans and bonds as of March 31, 2002 was JPY 15 billion.

The following table shows relevant property data in relation to major lines of business as of March 31, 2002.

<TABLE>

<caption></caption>			
Name	Location	Area	Principal products
			~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
		(thousands of square meters)	
<\$>	<c></c>	<c></c>	<c></c>
In Japan			
Hitachi, Ltd.:			
Semiconductor & Integrated Circuits	Tokyo, etc.	601	Semiconductors
Thermal & Hydroelectric Systems Division, etc.	Ibaraki	3,638	Power generating equipment, Turbines
Displays	Chiba	521	Liquid crystal displays
Sales Offices	Osaka, etc.	229	· · · · · · · · · · · · · · · · · · ·
Research & Development Group	Tokvo, etc.	941	_

## Panasónic Consumer Electronics Company

: A Unit of Matsushita Electric Corporation of America

01

PANASONIC COMPANY EAST
P.O. BOX-13509

NEWARK, NJ 07188-0509

Bill to

ARCH ELECTRONICS INC.

2006 CHESTNUT STREET

PHILADELPHIA, PA 19103

Absolutely no returns will be accepted unless shipped prepaid after receipt of prior written authorization. All other claims must be made within 10 days after receipt of merchandise by consignee.

INVOICE 1

Invoice Date	Invoice Number	r
091099	2	1983063
Account Number	Control Number	
3006100	11079429	
	ORG:004	WHSE:411
Customer Service C	Contact	
PTNOVER	LORI	

Ship To Address

ARCH ELECTRONICS INC.

2006 CHESTNUT STREET

PHILADELPHIA, PA 19103

De made within to days and recorpt of more managed by					
	Terms of Payment	Net Due Date	Order Date	Customer PO Number	
	2% 30 NET 31	101199	090399	0903SN	

Panasonic Model Number	Quantity	B/O	Quantity	Gross Unit Price	Net Unit Price	
Customer Product Number	Ordered	Quantity	Shipped	Discounts a	nd Charges	Total
1 PV-M2079	2 SLMN	1.E.	2	√311.00	√311.00	√622.00
2 CT-27SF26	2 SLMN	1E	2	<b>\</b> 450.00	450.00	900.00
3 SA-EX110	~ 2 SLMN	1E	2	104.00	104.00	-208.00
4 CT-27614	N 2 SLMN	1E -	2	V315.00	315.00	<b>√</b> 630.00 .
5 RX-0519	√ 4 SLMN	1E	4	72.00	72.00	288,00
8 SL-80200	1 SLMN	1E	1.	112.00	112.00	112.00
10 VHQ-940	≺ З SLMN	1E .	3	55.0Q	79.20	237.60
	SPA			-\$8.8	30	,
11 SC-AK27	1 SLMN	1E	1	205.00	V 195.00	195.00
	MCA			\$10.(	00	

ARCH0000019 Subto B/L Number Carrier Sales/Use T SHELDON DELIVERY B28895 Shipping Charg PRO NO. 990828895 Shipping Terms Store Number TOTAL INVOICE > Prepaid Store 0000 ACCNO 1006613 ARCH ELECTRUNICS INC

## Panasonic Consumer Electronics Company

A Unit of Matsushita Electric Corporation of America

31. Remittance Address

PANASONIC COMPANY EAST

P.O. BOX 13509

NEWARK, NJ 07188-0509

Bill to

ARCH ELECTRONICS INC.

2006 CHESTNUT STREET

PHILADELPHIA, PA 19103

Absolutely no returns will be accepted unless shipped prepaid after receipt of prior written authorization. All other claims must after receipt of merchandise by consigned

INVOICE,

Invoice Date	Invoice Number
101399	22053418
Account Number	Control Number
3004100	11101105
	ORG:004 UHSE:411
Customer Service (	Contact

LINDA

Ship To Address

KOWAL

ARCH ELECTRONICS INC.

2006 CHESTNUT STREET

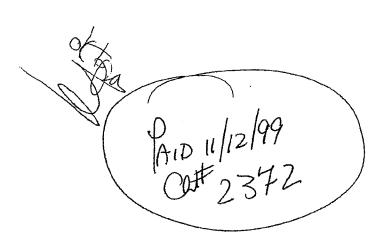
PHILADELPHIA, PA 19103

be made within 10 days after	receipt of merchandise by our	Net Due Date	Order Date	Customer PO Number
Terms of Payment	***	111399	092499	0923SN
2% 30 NET 31		1		

1	Panasonic Model Number	Quantity Ordered	B/O Quantity	Quantity Shipped	Gross Unit Price Discounts a	Net Unit Price nd Charges	Total
	Customer Product Number  10 CT-13R30	J.		1	166.00	164.34	164.34

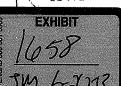
SLMN 1E REBATE OFI

-1,00%



ARCH0000042

	B/L Number	Subtotal >	164.34
Carrier		Sales/Use Tax >	0.00
UPS GROUND SERVICE	466538	Shipping Charges >	0.00
Shipping Terms Prepaid	Store Number Store 0000 Acris 1004413 ARCH ELECTRONICS INC	TOTAL INVOICE >	164.34



1/4

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE

(CRT) ANTITRUST LITIGATION

Master File No.
CV-07-5944-SC
MDL No. 1917

June 20, 2013

Oral deposition of STEVEN R. NUSBAUM taken pursuant to notice, held at the Law Offices of Morgan, Lewis & Bochius, 1701 Market Street, Philadelphia, PA 19102, commencing at 9:13 a.m., on the above date, before Jennifer P. Miller, Registered Professional Reporter and Notary Public for the Commonwealth of Pennsylvania.

believe it was discontinued the previous
summer.

This invoice was September

2.4

This invoice was September. It was discontinued in the summer. And they wanted to just get rid of them, so they put a special allowance on it that we can purchase.

If we purchased it, within the terms, within the \$5,000 total order, with everything else, then they priced it, and we got this allowance -- I don't know how they came up with the \$8.80, but I think that's what it is.

- Q. What is the just below that in line 11, what does the MCA abbreviation signify?
- A. I don't know that. But, again, it was another allowance.

This particular item was a mini system, an audio system. And, again, that was a discontinued piece that they were allowing another discount on in order to move it out.

I don't now what the MCA designation meant.

- Q. Under shipping terms, do you see where it says prepaid?
- A. Correct.
- Q. How would prepaying for shipping

1	Q. Do you know what the G14 reference					
2	is?					
3	A. No, I don't. Again, it's part of					
4	the series.					
5	Q. Is this invoice another example					
6	where Arch Electronics received a volume					
7	discount?					
8	A. Yes.					
9	Q. How are you able to determine that?					
10	A. I'm assuming you are talking about					
11	the \$5,000?					
12	Q. I am.					
13	A. Because I didn't order anything less					
14	than \$5,000.					
15						
16	(Whereupon, Exhibit 1658 was					
17	marked for identification.)					
18						
19	BY MR. MARKMAN:					
20	Q. You can put that document aside.					
21	Sir, I'm handing you a document					
22	that has been marked 1658, and it's Bates					
23	labeled ARCH0000042.					
24	Do you recognize this document					
25	as an invoice from Panasonic Consumer					
	$\circ$					

888-575-3376

#### Case 4:67:07-05/94594975 DODUMENTO PROBLEM FILES DAMES PROBLEM \$1.45 132 1 **PETER ROOT (142348)** DEWEY & LEBOEUF LLP 2 1950 University Avenue East Palo Alto, California 94303 3 Telephone: (650) 845-7000 Facsimile: (650) 845-7333 4 Email: proot@dl.com 5 JEFFREY L. KESSLER (Admitted Pro Hac Vice) 6 A. PAUL VICTOR (Admitted Pro Hac Vice) DEWEY & LEBOEUF LLP 7 1301 Avenue of the Americas New York, NY 10019 8 Telephone: (212) 259-8000 9 Facsimile: (212) 259-7013 Email: jkessler@dl.com 10 STEVEN A. REISS (Admitted Pro Hac Vice) 11 DAVID L. YOHAI (Admitted Pro Hac Vice) 12 DAVID YOLKUT (Admitted Pro Hac Vice) WEIL, GOTSHAL & MANGES LLP 13 767 Fifth Avenue New York, New York 10153-0119 14 Telephone: (212) 310-8000 Facsimile: (212) 310-8007 15 Email: steven.reiss@weil.com 16 Attorneys for Defendant Panasonic Corporation 17 (f/k/a Matsushita Electric Industrial Co., Ltd.) 18 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 19 20 IN RE CATHODE RAY TUBE (CRT) Case No.: M-07-5944 SC 21 ANTITRUST LITIGATION MDL No. 1917 22 **DEFENDANT PANASONIC** CORPORATION'S ANSWER TO THE 23 This Document Relates to: **DIRECT PURCHASER PLAINTIFFS'** 24 CONSOLIDATED AMENDED DIRECT PURCHASER ACTIONS **COMPLAINT** 25 26

No. M-07-5944 SC MDL No. 1917

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Defendant PANASONIC CORPORATION ("Panasonic"), by and through its attorneys, responds as follows to the allegations set forth in the Direct Purchaser Plaintiffs' Consolidated Amended Complaint (the "Complaint") filed by plaintiffs ("Plaintiffs"). To the extent not specifically admitted herein, all allegations of the Complaint are denied. Furthermore, the section headings included herein are included only for purposes of clarity and organization, and Panasonic does not admit, but rather specifically denies, any factual or legal allegations in the headings used in the Complaint.

I.

#### "INTRODUCTION"

- 1. Panasonic admits that Plaintiffs purport to bring this action on behalf of the persons described in the first sentence of Paragraph 1 of the Complaint, but Panasonic denies that this action can proceed as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. Panasonic lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of Paragraph 1, and therefore denies them. Panasonic admits that Plaintiffs define the terms "CPTs," "CPT Products," "CDTs," "CDT Products," "CRTs," and "CRT Products" as set forth in Paragraph 1.
- 2. Panasonic lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint, and therefore denies them.
- 3. Panasonic lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of Paragraph 3 of the Complaint, and therefore denies them. The allegations contained in the second sentence of Paragraph 3 include conclusions of law to which no responsive pleading is required. To the extent that a response is required, Panasonic denies the allegations contained in the second sentence of Paragraph 3.
- 4. The allegations contained in Paragraph 4 of the Complaint include conclusions of law to which no responsive pleading is required. To the extent that a response is required, Panasonic denies the allegations contained in Paragraph 4.
- 5. Panasonic denies the allegations contained in Paragraph 5 of the Complaint.

- 44. Panasonic denies the allegations contained in Paragraph 44 of the Complaint in their entirety for lack of knowledge or information sufficient to form a belief as to the truth thereof.
- 45. The allegations in Paragraph 45 of the Complaint constitute characterizations of the allegations of Plaintiffs' Complaint to which no responsive pleading is required.

### "Panasonic Entities"

- 46. Panasonic admits that it is a Japanese entity with an office in Osaka, Japan at the address listed in Paragraph 46, and that it was known as Matsushita Electric Industrial Co., Ltd. ("MEI") prior to October 1, 2008. Panasonic admits that MEI held 64.5% of Matsushita-Toshiba Picture Display Co., Ltd., ("MTPD") at the time when MEI and Toshiba Corporation transferred their CRT businesses to MTPD in 2003, and that MTPD became a 100% subsidiary of MEI in 2007. Panasonic admits that it is best known for its Panasonic brand, but Panasonic lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the sixth sentence of Paragraph 46, and therefore denies them. Panasonic admits that MEI or its affiliates sold some products containing CRTs in the United States during the purported Class Period, but denies the remaining allegations contained in Paragraph 46.
- 47. Panasonic denies the allegations contained in Paragraph 47 of the Complaint in their entirety, except admits that Matsushita Electronics Corporation (Malaysia) Sdn Bhd ("Matsushita Malaysia") was a Malaysian entity that that had an office in Shah Alam Malaysia, and was a wholly owned indirect subsidiary of Panasonic. Panasonic avers that Matsushita Electronics Corporation (Malaysia) Sdn Bhd is a defunct entity that was voluntarily dismissed from the case by Plaintiffs.
- 48. Panasonic denies the allegations contained in Paragraph 48 of the Complaint in their entirety, except admits that Panasonic Corporation of North America ("PNA") is a defendant in this action, and is a Delaware corporation with its headquarters in Secaucus, New Jersey at the address listed, and is a wholly owned subsidiary of Panasonic. Panasonic also

admits that PNA sold CRT televisions in the United States during the purported Class Period.

- 49. Panasonic denies the allegations contained in Paragraph 49 of the Complaint in their entirety, except admits that Panasonic Consumer Electronics Company ("PCEC") is an unincorporated division of PNA with its headquarters in Secaucus, New Jersey at the address listed. PCEC has been voluntarily dismissed from the case by Plaintiffs.
- 50. The allegations in Paragraph 50 of the Complaint constitute characterizations of the allegations of Plaintiffs' Complaint to which no responsive pleading is required. Panasonic notes that Matsushita Malaysia and PCEC have been voluntarily dismissed from the case by Plaintiffs.

### "Philips Entities"

- 51. Panasonic denies the allegations contained in Paragraph 51 of the Complaint in their entirety for lack of knowledge or information sufficient to form a belief as to the truth thereof.
- 52. The allegations contained in Paragraph 52 of the Complaint include conclusions of law to which no responsive pleading is required. To the extent that a response is required, Panasonic denies the allegations contained in Paragraph 52 of the Complaint in their entirety for lack of knowledge or information sufficient to form a belief as to the truth thereof.
- 53. The allegations contained in Paragraph 53 of the Complaint include conclusions of law to which no responsive pleading is required. To the extent that a response is required, Panasonic denies the allegations contained in Paragraph 53 of the Complaint in their entirety for lack of knowledge or information sufficient to form a belief as to the truth thereof.
- 54. The allegations contained in Paragraph 54 of the Complaint include conclusions of law to which no responsive pleading is required. To the extent that a response is required, Panasonic denies the allegations contained in Paragraph 54 of the Complaint in their entirety for lack of knowledge or information sufficient to form a belief as to the truth thereof.
- 55. The allegations contained in Paragraph 55 of the Complaint include conclusions of law to which no responsive pleading is required. To the extent that a response is

## Case 45:03:07:05:05:0445 BCD 100 WOMAN 1:0684-2 Fittle 10 4) 25/76 5 Page 12:45 14:132

1 WHEREFORE, Panasonic prays for judgment as follows: 2 That Plaintiffs take nothing under the Complaint, and the Complaint be 1. 3 dismissed with prejudice; 4 2. That judgment be entered in favor of Panasonic and against Plaintiffs on 5 each and every cause of action set forth in the Complaint; 6 3. That Panasonic recover its costs of suit and attorneys' fees incurred herein; 7 and 8 4. That Panasonic be granted such other and further relief as the Court deems 9 just and proper. 10 11 12 Dated: April 29, 2010 _/s/ Jeffrey L. Kessler 13 JEFFREY L. KESSLER (pro hac vice) Email: jkessler@dl.com 14 A. PAUL VICTOR (pro hac vice) 15 Email: pvictor@dl.com **DEWEY & LEBOEUF LLP** 16 1301 Avenue of the Americas New York, New York 10019 17 Telephone: (212) 259-8000 Facsimile: (212) 259-7013 18 19 PETER ROOT (142348) Email: proot@dl.com 20 **DEWEY & LEBOEUF LLP** 1950 University Avenue 21 East Palo Alto, California 94303 22 Telephone: (650) 845-7000 Facsimile: (650) 845-7333 23 STEVEN A. REISS (pro hac vice) 24 Email: steven.reiss@weil.com DAVID L. YOHAI (pro hac vice) 25 Email: david.yohai@weil.com 26 DAVID E. YOLKUT (pro hac vice) Email: david.yolkut@weil.com 27 WEIL, GOTSHAL & MANGES LLP 767 Fifth Avenue 28

No. M-07-5944 SC MDL No. 1917

#### Case 4:6-7:07-05/94494975 DODUMENTO PROBLEM FILE BODY PROBLEM 47 47 132 1 **PETER ROOT (142348)** DEWEY & LEBOEUF LLP 2 1950 University Avenue East Palo Alto, California 94303 3 Telephone: (650) 845-7000 Facsimile: (650) 845-7333 4 Email: proot@dl.com 5 JEFFREY L. KESSLER (Admitted Pro Hac Vice) 6 A. PAUL VICTOR (Admitted Pro Hac Vice) **DEWEY & LEBOEUF LLP** 7 1301 Avenue of the Americas New York, NY 10019 8 Telephone: (212) 259-8000 9 Facsimile: (212) 259-7013 Email: jkessler@dl.com 10 STEVEN A. REISS (Admitted Pro Hac Vice) 11 DAVID L. YOHAI (Admitted Pro Hac Vice) 12 DAVID YOLKUT (Admitted Pro Hac Vice) WEIL. GOTSHAL & MANGES LLP 13 767 Fifth Avenue New York, New York 10153-0119 14 Telephone: (212) 310-8000 Facsimile: (212) 310-8007 15 Email: steven.reiss@weil.com 16 Attorneys for Defendant Panasonic Corporation of North America 17 UNITED STATES DISTRICT COURT 18 NORTHERN DISTRICT OF CALIFORNIA 19 20 IN RE CATHODE RAY TUBE (CRT) No.: M-07-5944 SC ) ANTITRUST LITIGATION MDL No. 1917 21 **DEFENDANT PANASONIC** 22 **CORPORATION OF NORTH** This Document Relates to: AMERICA'S ANSWER TO THE 23 **DIRECT PURCHASER PLAINTIFFS'** DIRECT PURCHASER ACTIONS 24 CONSOLIDATED AMENDED **COMPLAINT** 25 26

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Defendant PANASONIC CORPORATION OF NORTH AMERICA ("PNA"), by and through its attorneys, responds as follows to the allegations set forth in the Direct Purchaser Plaintiffs' Consolidated Amended Complaint (the "Complaint") filed by plaintiffs ("Plaintiffs"). To the extent not specifically admitted herein, all allegations of the Complaint are denied. Furthermore, the section headings included herein are included only for purposes of clarity and organization, and PNA does not admit, but rather specifically denies, any factual or legal allegations in the headings used in the Complaint.

T.

#### "INTRODUCTION"

- 1. PNA admits that Plaintiffs purport to bring this action on behalf of the persons described in the first sentence of Paragraph 1 of the Complaint, but PNA denies that this action can proceed as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. PNA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of Paragraph 1, and therefore denies them. PNA admits that Plaintiffs define the terms "CPTs," "CPT Products," "CDTs," "CDT Products," "CRTs," and "CRT Products" as set forth in Paragraph 1.
- 2. PNA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint, and therefore denies them.
- 3. PNA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of Paragraph 3 of the Complaint, and therefore denies them. The allegations contained in the second sentence of Paragraph 3 include conclusions of law to which no responsive pleading is required. To the extent that a response is required, PNA denies the allegations contained in the second sentence of Paragraph 3.
- 4. The allegations contained in Paragraph 4 of the Complaint include conclusions of law to which no responsive pleading is required. To the extent that a response is required, PNA denies the allegations contained in Paragraph 4.
  - 5. PNA denies the allegations contained in Paragraph 5 of the Complaint.
  - 6. PNA denies the allegations contained in Paragraph 6 of the Complaint.

thereof.

45. The allegations in Paragraph 45 of the Complaint constitute characterizations of the allegations of Plaintiffs' Complaint to which no responsive pleading is required.

### "Panasonic Entities"

- 46. PNA admits that Panasonic Corporation is a Japanese entity with an office in Osaka, Japan at the address listed in Paragraph 46, and that it was known as Matsushita Electric Industrial Co., Ltd. ("MEI") prior to October 1, 2008. PNA admits that MEI held 64.5% of Matsushita-Toshiba Picture Display Co., Ltd., ("MTPD") at the time when MEI and Toshiba Corporation transferred their CRT businesses to MTPD in 2003. PNA admits that Panasonic Corporation is best known for its Panasonic brand, but PNA lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the sixth sentence of Paragraph 46, and therefore denies them. PNA admits that MEI or its affiliates sold some products containing CRTs in the United States during the purported Class Period, but denies the remaining allegations contained in Paragraph 46.
- 47. PNA denies the allegations contained in Paragraph 47 of the Complaint in their entirety, except admits that Matsushita Electronics Corporation (Malaysia) Sdn Bhd ("Matsushita Malaysia") was a Malaysian entity that had an office in Shah Alam Malaysia, and was a wholly owned indirect subsidiary of Panasonic. PNA avers that Matsushita Electronics Corporation (Malaysia) Sdn Bhd is a defunct entity that was voluntarily dismissed from the case by Plaintiffs.
- 48. PNA denies the allegations contained in Paragraph 48 of the Complaint in their entirety, except admits that it is a defendant in this action, and is a Delaware corporation with its headquarters in Secaucus, New Jersey at the address listed, and is a wholly owned subsidiary of Panasonic. PNA admits that it sold CRT televisions in the United States during the purported Class Period.
  - 49. PNA denies the allegations contained in Paragraph 49 of the Complaint in

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- 53. The allegations contained in Paragraph 53 of the Complaint include conclusions of law to which no responsive pleading is required. To the extent that a response is required, PNA denies the allegations contained in Paragraph 53 of the Complaint in their entirety for lack of knowledge or information sufficient to form a belief as to the truth thereof.
- 54. The allegations contained in Paragraph 54 of the Complaint include conclusions of law to which no responsive pleading is required. To the extent that a response is required, PNA denies the allegations contained in Paragraph 54 of the Complaint in their entirety for lack of knowledge or information sufficient to form a belief as to the truth thereof.
- 55. The allegations contained in Paragraph 55 of the Complaint include conclusions of law to which no responsive pleading is required. To the extent that a response is required, PNA denies the allegations contained in Paragraph 55 of the Complaint in their entirety for lack of knowledge or information sufficient to form a belief as to the truth thereof.

1	defenses and affirmative defenses as this action proceeds, the right to file an amended answer						
2	asserting additional defenses or affirmative defenses, and/or file a cross-complaint, in the event						
3	that discovery indicates that such pleadings are appropriate.						
4	WHEREFORE, PNA prays for judgment as follows:						
5	1. That Plaintiffs take nothing under the Complaint, and the Complaint be						
6	dismissed with prejudice;						
7	2. That judgment be entered in favor of PNA and against Plaintiffs on						
8	each and every cause of action set forth in the Complaint;						
9	3. That PNA recover its costs of suit and attorneys' fees incurred herein;						
10	and						
1	4. That PNA be granted such other and further relief as the Court deems						
12	just and proper.						
13							
14	Dated: April 29, 2010 By:/s/ Jeffrey L. Kessler						
15	JEFFREY L. KESSLER (pro hac vice)						
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    Attorneys for Defendants Panasonic Corporation of North America, MT Picture Display
    Co., Ltd., and Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.)
13
                         UNITED STATES DISTRICT COURT
14
                       NORTHERN DISTRICT OF CALIFORNIA
15
16
      In Re CATHODE RAY TUBE (CRT)
                                               No.: M-07-5944 SC
      ANTITRUST LITIGATION
                                               MDL NO. 1917
17
                                               Judge: Hon. Samuel Conti
18
                                               Special Master: Hon. Charles A. Legge
      This Document Relates to:
19
                                               (Ret.)
      DIRECT PURCHASER ACTION
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                                               OBJECTIONS AND RESPONSES OF
                                               PANASONIC CORPORATION OF
21
                                               NORTH AMERICA, MT PICTURE
                                               DISPLAY CO., LTD. AND PANASONIC
22
                                               CORPORATION (F/K/A MATUSHITA
23
                                               ELECTRIC INDUSTRIAL CO., LTD.)
                                               TO DIRECT PURCHASER
24
                                               PLAINTIFFS' FIRST SET OF
                                               INTERROGATORIES
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    MDL NO. 1917
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1 Pursuant to Rule 26 and 33 of the Federal Rules of Civil Procedure, Defendants 2 Panasonic Corporation of North America ("PNA"), MT Picture Display Co., Ltd. ("MTPD"), 3 and Panasonic Corporation, f/k/a Matsushita Electric Industrial Co., Ltd. ("Panasonic Corp.," 4 and together with PNA and MTPD, the "Panasonic Defendants") hereby respond and object to 5 the Direct Purchaser Plaintiffs' ("Plaintiffs") First Set of Interrogatories, dated March 12, 2010 6 ("Interrogatories"). 7

### PRELIMINARY STATEMENT

The following objections and responses are based upon the information currently known and available to Panasonic Defendants. Discovery and investigation are in the preliminary stages and are ongoing, and may disclose the existence of additional facts or documents, add meaning to known facts or documents, or lead to additions, variations or changes to these objections and responses.

Without obligating themselves to do so, except to the extent required under the Federal Rules of Civil Procedure, Panasonic Defendants reserve the right to amend or supplement the responses as additional information is discovered, revealed, recalled or otherwise ascertained, and as further analysis, research, investigation and discovery disclose additional facts, documents, contentions or legal theories that may apply. Panasonic Defendants reserve the right to supplement the responses subject to any applicable Order by the Court. Further, Panasonic Defendants specifically reserve the right to utilize subsequently discovered information or evidence at trial.

The general and specific objections set forth below are intended to apply to all information provided pursuant to the Interrogatories. Furthermore, these responses do not in any way waive any objections by Panasonic Defendants, in this or in any subsequent proceeding, on any grounds, including objections as to the competency, relevancy, materiality, privilege or admissibility of the responses, or the subject matter thereof.

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### RESPONSE TO INTERROGATORY NO. 6

Panasonic Defendants object to Interrogatory No. 6 on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Further, Interrogatory No. 6 seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, specifically by requesting information regarding products that were not sold in the United States.

Subject to and without waiver of the foregoing general and specific objections, the following are bates ranges for documents produced by Panasonic Defendants that, after a diligent search, Panasonic Defendants have identified thus far as containing information responsive to this request: PAN0000001-PAN0000515. Panasonic Defendants will produce additional documents sufficient to show price changes for CRTs and Finished CRT Products that were sold in the United States during the Limitations Period, if any, when they make their additional document productions.

### **INTERROGATORY NO. 7**

Identify and describe all joint ventures, partnerships or other cooperative business relationships, during the Relevant Time Period, relating to CRT and/or CRT Products between You and any other CRT or CRT Products producer.

#### **RESPONSE TO INTERROGATORY NO. 7**

Panasonic Defendants object to Interrogatory No. 7 on the grounds that it is overly broad and unduly burdensome. Further, Interrogatory No. 7 seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, specifically by requesting information regarding (i) products that were not sold in the United States or (ii) any Finished CRT Products. Panasonic Defendants object to Interrogatory No. 7 on the grounds that the term "partnership" and the phrase "other cooperative business relationships" are vague and ambiguous.

Subject to and without waiver of the foregoing general and specific objections,
Panasonic Defendants respond that, in 2003, Matsushita Electric Industrial ("MEI," what is
now known as Panasonic Corp.) formed a joint venture with Toshiba called MT Picture

1	Display Co., Ltd. ("MTPD") – in which Toshiba held 35.5% of the joint venture and MEI		
2	held 64.5% of the venture. At the time of MTPD's formation, MEI put its CRT		
3	manufacturing operations into MTPD.		
4	Specifically, on January 21, 2003, Matsushita Display Devices Corporation of		
5	America ("MDCCA") was incorporated as a wholly-owned subsidiary of MEI. Matsushita		
6	Electric Corporation of America ("MECA," what is now known as PNA) transferred the		
7	assets and liabilities of Matsushita Display Devices Company of America ("MDDA") and		
8	certain other assets to MDCCA. On January 29, 2003, MEI and Toshiba agreed to form a		
9	joint venture. On March 20, 2003, MEI transferred its shares of MDDCA stock to MTPD.		
10	On October 1, 2003, MDDCA changed its name to MTPDA(OH). On the same day,		
11	Toshiba Display Devices, Inc. ("TDD") changed its name to MTPDA(NY). On October 31,		
12	2003, MT Picture Display of America ("MTPDA") was incorporated to serve as a holding		
13	company for MTPDA(OH) and MTPDA(NY).		
14	MTPDA(OH) and MTPDA(NY) were the U.S. CRT manufacturing subsidiaries.		
15	These subsidiaries were separate legal entities both wholly owned by MTPDA, which in turn		
16	was wholly owned by MTPD– the joint venture. Both MTPDA(OH) and MTPDA(NY)		
17	produced color picture tubes ("CPTs"). Color display tubes ("CDTs") were not		
18	manufactured in the U.S. by the Panasonic Defendants during the Limitations Period.		
19	MTPD also had manufacturing subsidiaries operating in Malaysia (MTPDM);		
20	Germany (MTPDG); Thailand (MTPDT); and Indonesia (MTPDI). Some of the		
21	manufacturing subsidiaries had, before the joint venture, been Toshiba businesses; others had		
22	previously been Matsushita businesses.		
23	By December of 2004, MTPDA (NY) had ceased operations. It dissolved on March		
24	31, 2006. By January of 2006, MTPDA (OH) had ceased operations. It dissolved on		
25	March 27, 2007. MTPDA, the holding company, dissolved on March 27, 2007. In 2007,		
26	MEI became the 100% owner of MTPD. The remaining MTPD subsidiaries are dissolved or		
27	their shares were sold to third parties.		

1	Dated: May 12, 2010	By:/s/ Jeffrey L. Kessler
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0.4		Attorneys for Defendants Panasonic
24		Corporation of North America, MT Picture
25		Display Co., Ltd., Panasonic Corporation (f/k/a
		Matsushita Electric Industrial Co.)
26		
27		
	MDL NO. 1917	PANASONIC DEFENDANTS' OBJECTIONS AND RESPONSES
28		CT PURCHASER PLAINTIFFS' FIRST SET OF INTERROGATORIES

[Document Submitted Under Seal]

## Case 4:07-cv-05944-JST Document 3820-2 Filed 04/17/15 Page 60 of 132 Confidential

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

IN RE: CATHODE RAY TUBE (CRT)

ANTITRUST LITIGATION,

VS.

Case No. 3:07-cv-5944 SC

MDL No. 1917

This Document Relates To:

DIRECT PURCHASER PLAINTIFF

ACTION

/____/

**CONFIDENTIAL TRANSCRIPT**

The Deposition of DAVID DEMARTRA,

Taken at 4460 44th Street,

Grand Rapids, Michigan,

Commencing at 9:12 a.m.,

Friday, August 9, 2013,

Before Willie Anderson, Jr., CSR-8600.

## Case 4:07-cv-05944-JST Document 3820-2 Filed 04/17/15 Page 61 of 132 Confidential

```
1
      Q.
           Who billed the company for CRT products they
 2
           purchased? Was it always the manufacturer?
 3
           That's how I know it.
      Α.
 4
                       MS. WHEATON: I'd like to take a quick
 5
           break, if you're okay with that, sir.
6
                       THE WITNESS:
                                     Okay.
                       (Recess taken at 11:18 a.m.)
8
                       (Back on the record at 11:29 a.m.)
9
                       MS. WHEATON: Sir, I'm handing you an
10
           exhibit marked 1956.
11
                       MARKED FOR IDENTIFICATION:
12
                       DEPOSITION EXHIBIT 1956
13
                       11:30 a.m.
14
                       MS. WHEATON: I represent to you that
15
           that's Meijer's initial production of documents.
16
           just want to show you this one (Indicating).
17
                       I'm also handing you Exhibit 1957, which is
18
           Meijer's supplemental production in this matter.
19
                       MARKED FOR IDENTIFICATION:
20
                       DEPOSITION EXHIBIT 1957
21
                       11:30 a.m.
22
      BY MS. WHEATON:
23
           If you can flip through that.
      0.
24
      Α.
           Okay.
25
           Do you recognize those documents, generally?
                                                                    91
```

### Case 4:07-cv-05944-JST Document 3820-2 Filed 04/17/15 Page 62 of 132 Confidential

1 Α. Yes. 2 Together, do those represent all the documents that Q. 3 Meijer produced in this case? 4 To my knowledge, yes. Α. 5 Let's take a look at the first page in the production. Q. 6 There's a Bates number at the bottom, 1? 7 You're talking about this --Α. 8 Ο. Yeah. 9 Α. -- packet? Okay. 10 MR. GERMAIN: Just so the record is clear, 11 I think the copies are all -- cut off the Bates number 12 a little bit. 13 MS. WHEATON: Oh, yeah. My apologies. looks like a little cut off. We'll manage the best we 14 15 can. 16 BY MS. WHEATON: 17 Q. Do you know what this document is? 18 Α. This particular page? 19 Ο. Yes. 20 Is a record of products, UPCs, item codes, vendor Α. 21 names, vendor numbers, invoice numbers to these 22 specific products, and invoice dates. 23 Ο. How was this document created? 24 Α. How was it created? I don't know. Someone put this 25 together. I can't specify how exactly it's created.

### Case 4:07-cv-05944-JST Document 3820-2 Filed 04/17/15 Page 63 of 132 Confidential

1 Q. Do you know which person or department at Meijer would 2 have kept track of this sort of information in this 3 form? 4 It could have been anyone put this together. 5 Let me direct you to the first sheet that you're Q. 6 looking at --7 Okay. Α. 8 Ο. -- second row. 9 What's the product that's being purchased 10 or sold? 11 Second row? Are you referring to line number 2? 12 Ο. Yes. And what was your question after that? 13 Α. 14 What's the product being purchased or sold? Q. 15 The item description is a Toshiba 19-inch television. Α. 16 Why are rows two through five separated out when Q. 17 they're all for a Toshiba 19-inch television? Do you 18 know? 19 I don't understand what you mean why are they Α. 20 separated out? 21 Do you know why each is on a different row? The UPC, 22 item code, item description, vendor number, vendor 23 name are all the same. 24 So why do they have different lines? 25 They have different invoice numbers.

### Case 4:07-cv-05944-JST Document 3820-2 Filed 04/17/15 Page 64 of 132 Confidential

1 Q. What does that mean? 2 The invoice number is the number assigned by the Α. 3 manufacturer to the invoice that they're billing. 4 Q. Does that mean that these orders were placed at 5 different times? 6 They may have been. 7 I'm just trying to learn because the invoice Q. Okay. 8 dates for the first three is the same. So I wondered 9 why other -- why else you would have a different 10 invoice number? 11 Α. I cannot speak to how Toshiba assigns their invoice 12 numbers. 13 Q. Okay. Flip to the third page of that document I gave 14 you. 15 Yeah. There you go. 16 Α. Third page, okay. 17 Q. Yeah. The row number -- is probably the easiest 18 way -- is Row 76. 19 Α. Okay. 20 Q. With Column F? 21 Α. Okay. 22 0. There's not a typical invoice number. 23 Do you know what that refers to? 24 It's referring to a debit memo of non-received goods. Α. 25 0. What does that mean in layperson's speak? 94

### Case 4:07-cv-05944-JST Document 3820-2 Filed 04/17/15 Page 65 of 132 Confidential

1 Α. This is a claim that was paid back based on some 2 goods, it looks like, we didn't think we received. 3 Okay. On Page 5, if you flip with me, there's a list Q. 4 of Philips radios. 5 Do you know whether Philips radios contain 6 CRTs? 7 MR. GERMAIN: Objection to the form. 8 mischaracterizes the document. 9 THE WITNESS: My understanding is that this 10 is a TV band so -- but I don't know that for a fact. BY MS. WHEATON: 11 12 0. What kind of product would this be? 13 Α. It appears to be a -- some type of combination of a 14 product that has an AM/FM radio along with a 15 television band. 16 I see. Let's flip to Page 35, if you can make sense 17 of the Bates numbers. 18 Α. Not really. Is there -- is this number ending in 35? 19 Ο. Yes. 20 Is that what you're referring to? 21 MR. GERMAIN: Can you make out the numbers 22 enough to see? 23 THE WITNESS: I'm going to get there. I 24 can't find the right page. 25 /// 95

### Case 4:07-cv-05944-JST Document 3820-2 Filed 04/17/15 Page 66 of 132 Confidential

1 BY MS. WHEATON: 2 Yep, that's it. So you see that the row starts with Q. 3 No. 1 again on that page? 4 Α. Yes. 5 We're in the right place. If you look at Row Ο. Okav. 6 19 on Page 35 --7 Α. Okay. 8 Again, I'm looking at the Column F? Q. 9 Α. Uh-huh. 10 Q. That one says -- has a DM and MRT at the end. 11 does that refer to? 12 Α. Again, this looks like another debit memo on a claim 13 that was paid back for whatever MRT means. 14 You don't know what MRT means? Ο. 15 I'm not familiar with that term. Α. 16 Do you know who would be? Ο. 17 Α. Someone within Meijer's perhaps. It's not something 18 that I used to do. 19 MR. GERMAIN: I'll represent to you that 20 it's actually a code from a Legacy system that's no 21 longer in use. 22 MS. WHEATON: The Legacy system, so it's 23 the actual technology that Meijer used? 24 MR. GERMAIN: No. No. No. That code is 25 from a Legacy system that's no longer in use today.

## Case 4:07-cv-05944-JST Document 3820-2 Filed 04/17/15 Page 67 of 132 Confidential

1 MS. WHEATON: Thank you. I see. 2 BY MS. WHEATON: 3 So if you flip to the next page, Page 36, there's a Q. 4 column labeled "J" --5 Α. Okay. 6 -- as in John? Q. 7 Uh-huh. I see that. Α. 8 Ο. What does that represent? 9 Α. I believe they represent line item totals to the 10 previous page. It looks like this is part of an Excel 11 printout, two pages. 12 0. Does the line item total reflect any discounts that 13 Meijer would have received? 14 I believe these totals reflect what was on that Α. 15 invoice. I cannot speak to what was on the invoice, 16 but these are totals for these line items. 17 Q. Let's flip ahead past these spreadsheets to Page 73, 18 which is the first page after the spreadsheet. 19 We're looking here at the corporate 20 structure of Meijer; right? 21 Α. Yes. 22 Do you know which entity, actually, made the purchases 0. 23 of CRT products? 24 Yes. Α. 25 Q. Which one? 97

### Case 4:07-cv-05944-JST Document 3820-2 Filed 04/17/15 Page 68 of 132 Confidential

1 Α. Meijer distribution. 2 That was true throughout the whole class period? Q. 3 Α. Yes. 4 Do you know which entity sold the CRT products? 5 I don't know. Α. 6 Who would know? Q. 7 Depends on what stores they went to. If -- when you Α. 8 say "sold," item sold to a consumer? 9 Ο. Yes. 10 Whatever -- whichever they went to, I don't know. Α. 11 Someone, perhaps, at Meijer would know that. 12 0. Did -- so it depends on the geographic area in which 13 the product was resold? 14 We operate stores in several states. 15 If you flip to the next page, which is Bates No. 74 --Q. 16 Α. Okay. 17 Q. -- what is this that we're looking at? 18 The vendor agreement. Α. 19 Ο. For which company? 20 Toshiba America Consumer Products. Α. 21 This is one of the vendor agreements we were talking Q. 22 about earlier? 23 Yes. This is a vendor agreement. Α. 24 If you look at Page 2 under "Special Allowances," it Q. 25 shows a 2 percent bill back.

**DEPOSITION EXHIBIT** 1953 DEMARTRA Guido Saveri (22349) guido@saveri.com 8/09/13 R. Alexander Saveri (173102) rick@saveri.com Geoffrey C. Rushing (126910) grushing@saveri.com Cadio Zirpoli (179108) cadio@saveri.com SAVERI & SAVERI, INC. 706 Sansome Street San Francisco, CA 94111 Telephone: (415) 217-6810 5 Facsimile: (415) 217-6813 Interim Lead Counsel for the Direct Purchaser 6 **Plaintiffs** 7 [Additional counsel appear on signature page.] 8 UNITED STATES DISTRICT COURT 9 10 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION 11 12 IN RE: CATHODE RAY TUBE (CRT) MASTER FILE NO. 07-cv-5944 SC ANTITRUST LITIGATION 13 MDL NO. 1917 MEIJER, INC.'S AND MEIJER 14 This Document Relates to: DISTRIBUTION, INC.'S RESPONSES TO 15 ALL DIRECT PURCHASER ACTIONS DEFENDANT SAMSUNG SDI CO.. LTD.'S FIRST SET OF INTERROGATORIES 16 17 18 PROPOUNDING PARTY: SAMSUNG SDI CO., LTD. 19 **RESPONDING PARTY:** MEIJER, INC. AND MEIJER DISTRIBUTION, INC. 20 SET NO.: ONE 21 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Direct Purchaser Plaintiffs Meijer, Inc. and Meijer Distribution, Inc. ("Plaintiffs" or "Meijer"), by their attorneys. 22 23 object and respond to Defendant Samsung SDI Co., Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs (the "Interrogatories") as follows: 24 25 **GENERAL OBJECTIONS** 26 Each of the following objections is incorporated by reference into each of the responses 27 herein: 28 Plaintiffs and their counsel have not completed their (1) investigation of the facts 1. MDL NO. 1917 MEJIER, INC.'S AND MEIJER DISTRIBUTION, INC.'S RESPONSES TO DEFENDANT SAMSUNG SDI CO., LTD.'S FIRST SET OF INTERROGATORIES

### **RESPONSE TO INTERROGATORY NO 6:**

Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs further object to this interrogatory on the grounds that it is vague and ambiguous, overly broad and unduly burdensome. Plaintiffs also object to this interrogatory on the ground that responsive information is already in the possession of Defendants or is available through other less burdensome means. Plaintiffs further object to this interrogatory on the ground that it is duplicative of other interrogatories served in this action. Plaintiffs further object to this interrogatory on the ground that it is compound. Subject to, and without waiving, the foregoing objections, Meijer responds that it has not purchased CRTs during the Relevant Period.

### **INTERROGATORY NO. 7:**

For each acquisition of a CRT PRODUCT identified in Interrogatory No. 3, state and describe the actual quantities and prices of each of YOUR purchases, including discounts and rebates, and identify the seller from whom each purchase was made.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

### RESPONSE TO INTERROGATORY NO. 7:

Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs further object to this interrogatory on the grounds that it is vague and ambiguous, overly broad and unduly burdensome. Plaintiffs also object to this interrogatory on the ground that responsive information is already in the possession of Defendants or is available through other less burdensome means. Plaintiffs further object to this interrogatory on the ground that it is duplicative of other interrogatories served in this action. Plaintiffs further object to this interrogatory on the ground that it is compound. Subject to, and without waiving, the foregoing objections, Meijer responds that the answers to this interrogatory may be derived from Meijer's production of documents.

#### **INTERROGATORY NO. 8:**

For each acquisition of a CRT identified in Interrogatory No. 2, state whether the CRT was acquired as part of a system or other bundled product and, if so, the value of each component of

MEJIER, INC.'S AND MEIJER DISTRIBUTION, INC.'S RESPONSES TO DEFENDANT SAMSUNG SDI CO., LTD.'S FIRST SET OF INTERROGATORIES

1	further object to this interrogatory on the ground that it is vague and ambiguous, overly broad and				
2	unduly burdensome. Plaintiffs further object to this interrogatory on the ground that it seeks				
3	information that is already in Defendants' possession or is obtainable from some other source that				
4	it more convenient, less burdensome or less	expens	ive. Plaintiffs also object to this interrogatory		
5	on the ground that it seeks information that	is neith	er relevant nor calculated to lead to the		
6	discovery of admissible evidence to the extent it calls for documents relating to purchases of CRT				
7	from anyone other than Defendants. Subject	et to, an	d without waiving, the foregoing objections,		
8	Meijer responds that the answer to this inter	rrogator	y can be derived from Meijer's production of		
9	documents.				
10	DATED: July 8, 2010	By:	/s/ Guido Saveri		
11			SAVERI & SAVERI, INC.		
12		٠	706 Sansome Street San Francisco, CA 94111		
13			Telephone: (415) 217-6810 Facsimile: (415) 217-6813		
14	·		Interim Lead Counsel for the Direct		
15			Purchaser Plaintiffs		
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25					
26			Counsel for Meijer, Inc. and Meijer Distribution, Inc.		
27					
28					

VERIFICATION I, Tim Kause, declare as follows: I am a Buyer/Merchandiser for Meijer Distribution, Inc., a Plaintiff in the above-named action. I am a representative of Meijer Distribution, Inc. and Meijer, Inc. and I am authorized to act on their behalf in connection with submission of these interrogatory answers. I have read Meijer, Inc.'s and Meijer Distribution, Inc.'s Responses To Defendant Samsung SDI Co., Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs. I verify that the answers provided and written above by Meijer, Inc. and Meijer Distribution, Inc. in these responses are true, accurate and correct to the best of my personal knowledge, information and belief and that of Meijer, Inc. and Meijer Distribution, Inc. derived from information available to Meijer, Inc. and Meijer Distribution, Inc. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, on this the  $\mathcal{L}^{rr}$  day of July, 2010.

[Document Submitted Under Seal]

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27

28

1 Christopher M. Curran (pro hac vice) ccurran@whitecase.com 2 George L. Paul (pro hac vice) gpaul@whitecase.com 3 Lucius B. Lau (pro hac vice) 4 alau@whitecase.com 5 White & Case LLP 701 Thirteenth Street, N.W. 6 Washington, D.C. 20005 Telephone: (202) 626-3600 7 Facsimile: (202) 639-9355 8 9 Counsel to Defendants Toshiba America, Inc., Toshiba America Information Systems, Inc., 10 Toshiba America Consumer Products, L.L.C., and Toshiba America Electronic Components, Inc. 11 12 UNITED STATES DISTRICT COURT 13 NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION) 14 15 Case No. 07-5944 SC IN RE: CATHODE RAY TUBE (CRT) 16 ANTITRUST LITIGATION MDL No. 1917 17 18 19 This Document Relates to: 20 21 ALL ACTIONS 22

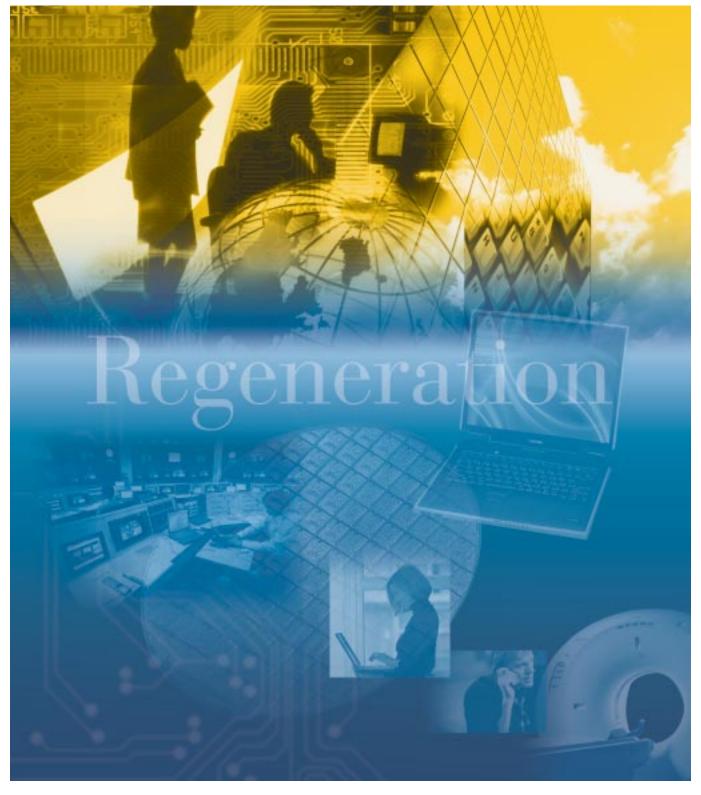
DISCLOSURE STATEMENT OF TOSHIBA AMERICA, INC., **TOSHIBA AMERICA INFORMATION** SYSTEMS, INC., TOSHIBA AMERICA **CONSUMER PRODUCTS, L.L.C.,** AND TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC.

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, Defendants Toshiba America, Inc., Toshiba America Information Systems, Inc., Toshiba America Consumer Products, L.L.C., and Toshiba America Electronic Components, Inc. make the following disclosure: Toshiba America Information Systems, Inc., Toshiba America Consumer

1 Products, L.L.C., and Toshiba America Electronic Components, Inc. are wholly owned 2 subsidiaries of Toshiba America, Inc. Toshiba America, Inc. is a wholly owned subsidiary 3 of Toshiba Corporation in Japan. Toshiba America, Inc. is not publicly held. Toshiba 4 Corporation is a publicly held company traded in Japan. 5 6 Dated: May 8, 2008 Respectfully submitted, 7 WHITE & CASELLP 8 9 By: /s/ Christopher M. Curran Christopher M. Curran (pro hac vice) 10 George L. Paul (pro hac vice) 11 Lucius B. Lau (pro hac vice) 701 Thirteenth Street, N.W. 12 Washington, D.C. 20005 13 tel.: (202) 626-3600 fax: (202) 639-9355 14 15 Counsel to Defendants Toshiba America, Inc., Toshiba America Information 16 Systems, Inc., Toshiba America Consumer 17 Products, L.L.C., and Toshiba America Electronic Components, Inc. 18 19 20 21 22 23 24 25 26 27 28

[Document Submitted Under Seal]

### **TOSHIBA**



**TOSHIBA ANNUAL REPORT 2002** 

#### **CASH FLOWS**

Net cash provided by operating activities amounted to ¥149.2 billion (US\$1,122 million), a steep ¥304.4 billion decline from ¥453.6 billion recorded in the previous fiscal year. Despite a rise in cash inflows resulting from a decline in notes and accounts receivables and inventories, net cash provided by operating activities declined because of the large net loss as well as a decrease in such non-cash items as deferred tax expenses. Net loss for fiscal year 2001 included a ¥94.6 billion non-cash loss from sales disposal and impairment of property and securities, net, and that was eliminated in adjustment to net cash.

Net cash used in investing activities rose ¥148.9 billion from the previous fiscal year, from ¥176.7 billion, to ¥325.6 billion (US\$2,448 million), owing to such factors as increases in property, plant and equipment.

Net cash provided by financing activities amounted to ¥53.5 billion (US\$402 million), compared with ¥285.6 billion in net cash used in financing activities in the previous fiscal year.

This was due to a ¥30.9 billion rise in interest-bearing liabilities and ¥52.4 billion (US\$394 million) in proceeds from stock offering by subsidiaries despite Toshiba's continued efforts to reduce interest-bearing liabilities.

In addition, the effect of exchange rate changes was to increase cash by ¥5.7 billion (US\$43 million). Cash and cash equivalents at the end of the fiscal year declined ¥117.2 billion from ¥487.6 billion the end of the previous fiscal year, to ¥370.4 billion (US\$2,785 million).

#### PRINCIPAL SUBSIDIARIES AND AFFILIATED COMPANIES

As of March 31, 2002			Percentage held by Group
Consolidated Subsidiaries:		Affiliated Companies:	
Japan		Japan	
Toshiba Building & Lease Co., Ltd.	100	Toshiba Ceramics Co., Ltd.	41
Toshiba Elevator and Building System Corporation	80		
Toshiba Plant Kensetsu Co., Ltd.	56		
Toshiba TEC Corporation	50		
U.S.A		U.S.A.	
Semiconductor America, Inc.	100	Flash Vision, L.L.C.	50
Toshiba America Electronic Components, Inc.	100		
Toshiba America, Inc.	100		

1		
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5	Email: jon.swenson@bakerbotts.com	
5	BAKER BOTTS L.L.P.	
6	John M. Taladay (pro hac vice) Joseph Ostoyich (pro hac vice)	
7	Erik T. Koons (pro hac vice)	
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12	Email: charles.malaise@bakerbotts.com	
	Attorneys for Defendant Philips Electronics North	a America Corporation
13		
14	UNITED STATES	S DISTRICT COURT
15		CICT OF CALIFORNIA
16	SAN FRANC.	ISCO DIVISION
	In ray CATHODE DAY TUDE (CDT)	Master File No. 3:07 ev 05044 SC (N.D. Cal.)
	In re: CATHODE RAY TUBE (CRT)	
17	ANTITRUST LITIGATION	Master File No. 3:07-cv-05944-SC (N.D. Cal.)
17	ANTITRUST LITIGATION	MDL No. 1917
18	ANTITRUST LITIGATION	MDL No. 1917  OBJECTIONS AND RESPONSES OF
18 19	ANTITRUST LITIGATION  This Document Relates to:	MDL No. 1917  OBJECTIONS AND RESPONSES OF DEFENDANT PHILIPS ELECTRONICS NORTH AMERICA CORPORATION TO
18 19 20		MDL No. 1917  OBJECTIONS AND RESPONSES OF DEFENDANT PHILIPS ELECTRONICS
18 19 20 21	This Document Relates to:	MDL No. 1917  OBJECTIONS AND RESPONSES OF DEFENDANT PHILIPS ELECTRONICS NORTH AMERICA CORPORATION TO DIRECT ACTION PLAINTIFFS' FIRST
18 19 20 21	This Document Relates to:  Electrograph Systems, Inc., et al. v. Hitachi,	MDL No. 1917  OBJECTIONS AND RESPONSES OF DEFENDANT PHILIPS ELECTRONICS NORTH AMERICA CORPORATION TO DIRECT ACTION PLAINTIFFS' FIRST
18 19 20	This Document Relates to:  Electrograph Systems, Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-01656;	MDL No. 1917  OBJECTIONS AND RESPONSES OF DEFENDANT PHILIPS ELECTRONICS NORTH AMERICA CORPORATION TO DIRECT ACTION PLAINTIFFS' FIRST
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18 19 20 21 22 23 24	This Document Relates to:  Electrograph Systems, Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-01656;  Siegel v. Hitachi, Ltd., et al. No. 11-cv- 05502;  Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-05513;  Target Corp, et al. v. Chunghwa Picture Tubes, Ltd., et al., No. 11-cv-05514;  Interbond Corporation of America v.	MDL No. 1917  OBJECTIONS AND RESPONSES OF DEFENDANT PHILIPS ELECTRONICS NORTH AMERICA CORPORATION TO DIRECT ACTION PLAINTIFFS' FIRST
18 19 20 21 22 23 24 25 26	This Document Relates to:  Electrograph Systems, Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-01656;  Siegel v. Hitachi, Ltd., et al. No. 11-cv- 05502;  Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-05513;  Target Corp, et al. v. Chunghwa Picture Tubes, Ltd., et al., No. 11-cv-05514;	MDL No. 1917  OBJECTIONS AND RESPONSES OF DEFENDANT PHILIPS ELECTRONICS NORTH AMERICA CORPORATION TO DIRECT ACTION PLAINTIFFS' FIRST

1 2 3 4 5 6 7 8 9	PROPOUNDING PARTY:	Direct Action Plaintiffs Electrograph Systems, Inc. and Electrograph Technologies Corp.; Alfred H. Siegel, solely as Trustee of the Circuit City Stores, Inc. Liquidating Trust; Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com, L.L.C., and Magnolia Hi-Fi, Inc.; Target Corp., Sears, Roebuck, and Co., Kmart Corp.; Interbond Corporation of America; Office Depot, Inc.; CompuCom Systems, Inc.; Costco Wholesale Corporation; P.C. Richard & Son Long Island Corporation, MARTA Cooperative of America, Inc., and ABC Appliance, Inc.; Schultze Agency Services, LLC on behalf of Tweeter Opco, LLC and Tweeter Newco, LLC; Tech Data Corporation and Tech Data Product Management, Inc.; Dell Inc. and Dell Products L.P.; Sharp Electronics Corporation; and Sharp Electronics Manufacturing Company of America, Inc.
10	RESPONDING PARTY:	Philips Electronics North America Corporation
11	SET NO.:	One
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		-3-

discovery of admissible evidence, and inconsistent with the defined "Relevant Period" set forth in DAPs' pleadings.

12. PENAC objects to the Interrogatories and the instructions therein, including but not limited to General Instructions Nos. 2, 5, and 6 to the extent that they seek to impose obligations on PENAC beyond those of the Federal Rules of Civil Procedure, the Local Rules, or any Order of this Court.

#### SPECIFIC RESPONSES TO INTERROGATORIES

#### INTERROGATORY NO. 1. - REQUEST FOR ADMISSION NO. 1

If your response to any request for admission in Direct Action Plaintiffs' First Set of Requests for Admission to Philips Defendants served with these Interrogatories is not an unqualified admission:

- (a) State the number of the request;
- (b) State all facts upon which you based your response;
- (c) Identify each person who has knowledge of those facts; and
- (d) Identify all documents that support your response

#### RESPONSE TO INTERROGATORY NO. 1 - REQUEST FOR ADMISSION NO. 1

In addition to PENAC's General Objections, which PENAC incorporates by reference, PENAC specifically objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to DAPs or stated in publicly available documents. PENAC also objects to this Interrogatory on the ground that it calls for a legal argument or legal conclusion. PENAC further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its foregoing objections, PENAC states that PENAC has not been a wholly-owned subsidiary of Philips Holding USA Inc. from the beginning of the relevant period through the present. PENAC states that Philips Holding USA Inc. was

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incorporated in July 1995. PENAC became a wholly-owned subsidiary of Philips Holding USA Inc. on January 1, 1996. From January 1, 1995 through December 31, 1995, PENAC was named FGP Corp. and was a wholly-owned subsidiary of Philips Electronics N.V. The name of FGP Corp. was changed to PENAC effective December 31, 1995.

#### **INTERROGATORY NO. 2. - REQUEST FOR ADMISSION NO. 2**

If your response to any request for admission in Direct Action Plaintiffs' First Set of Requests for Admission to Philips Defendants served with these Interrogatories is not an unqualified admission:

- (a) State the number of the request;
- (b) State all facts upon which you based your response;
- (c) Identify each person who has knowledge of those facts; and
- (d) Identify all documents that support your response

#### RESPONSE TO INTERROGATORY NO. 2 - REQUEST FOR ADMISSION NO. 2

In addition to PENAC's General Objections, which PENAC incorporates by reference, PENAC specifically objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to DAPs or stated in publicly available documents. PENAC also objects to this Interrogatory on the ground that it calls for a legal argument or legal conclusion. PENAC further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its foregoing objections, PENAC states that Philips Holding USA Inc. has not been a wholly-owned subsidiary of Koninklijke Philips N.V. for any period from the beginning of the Relevant Period through the present. PENAC states that from 1995 through 2009 Koninklijke Philips N.V. owned 100% of the outstanding shares of Philips Holding USA, Inc. In 2009 a corporate restructuring occurred and the ownership structure from Koninklijke Philips N.V. to Philips Holding USA Inc. became the following: Koninklijke Philips

11 MDL 1917

1	N.V. owns 75.32% and Philips Belgium N.V. and Sedena Financial Services GCV have a
2	combined 24.68% ownership interest in Philips Investment Services Lux Sarl. Philips Investment
3	Services Lux Sarl owns 100% of Philips Investment Services B.V. Philips Investment Services
4	B.V. owns 73.37% of Philips Holding USA Inc., while the remaining 26.63% is owned by:
5	Respironics Holding France B.V. (0.398%), Respironics Holding UK B.V. (1.39%, Respironics
6	Holding Switzerland B.V. (00.133%), Respironics Bermuda Ltd. (11.82%), Genlyte Holding C
7	B.V. (2.16%), Genlyte Holding Canada B.V. (3.94%), Lifeline Systmes Holding B.V. (0.796%)
8	and Respironics Holding Japan B.V. (6.17%). As of May 16, 2014, Philips Lumileds Holding
9	B.V. became an owner of 5.263% of Philips Holding USA Inc.
10	INTERROGATORY NO. 3 REQUEST FOR ADMISSION NO. 3
11	If your response to any request for admission in Direct Action Plaintiffs' First Set of
12	Requests for Admission to Philips Defendants served with these Interrogatories is not an
13	unqualified admission:
14	(a) State the number of the request;
15	(b) State all facts upon which you based your response;
16	(c) Identify each person who has knowledge of those facts; and
17	(d) Identify all documents that support your response
18	RESPONSE TO INTERROGATORY NO. 3 - REQUEST FOR ADMISSION NO. 3
19	In addition to PENAC's General Objections, which PENAC incorporates by reference,
20	PENAC specifically objects to this interrogatory on the grounds that it is overly broad, unduly
21	burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks
22	information that is maintained by and equally available to DAPs or stated in publicly available
23	documents. PENAC also objects to this Interrogatory on the ground that it calls for a legal
24	argument or legal conclusion. PENAC further objects to the use of the terms "unqualified,"
25	"knowledge," and "support" because they are vague, ambiguous, overbroad, unduly burdensome,
26	and not reasonably calculated to lead to the discovery of admissible evidence.
27	Subject to and without waiving its foregoing objections, PENAC states that it has no
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record of a business division named Philips Consumer Electronics Co. PENAC further states that prior to January 1, 2008, PENAC had a division named Philips Consumer Electronics Company.

#### INTERROGATORY NO. 4. - REQUEST FOR ADMISSION NO . 4

If your response to any request for admission in Direct Action Plaintiffs' First Set of Requests for Admission to Philips Defendants served with these Interrogatories is not an unqualified admission:

- (a) State the number of the request;
- (b) State all facts upon which you based your response;
- (c) Identify each person who has knowledge of those facts; and
- (d) Identify all documents that support your response

#### RESPONSE TO INTERROGATORY NO. 4 - REQUEST FOR ADMISSION NO. 4

In addition to PENAC's General Objections, which PENAC incorporates by reference, PENAC specifically objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to DAPs or stated in publicly available documents. PENAC also objects to this Interrogatory on the ground that it calls for a legal argument or legal conclusion. PENAC further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its foregoing objections, PENAC states that Philips Consumer Electronics was not a business division of PENAC from the beginning of the relevant period through the present. PENAC states that as of January 1, 1998, the Philips enterprise went through a corporate reorganization where the previous business divisions of Sound & Vision, Business Electronics, Industrial Electronics were regrouped into the new division Philips Consumer Electronics. Philips Consumer Electronics was a business division of the Philips enterprise until January 1, 2008 when it became Philips Consumer Lifestyle.

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#### **VERIFICATION**

I, James Durchak, am the Director, Risk Management of Philips North America
Corporation ("PENAC"), and I am authorized to make this Verification on PENAC's behalf. I
have read the attached Philips North America Corporation's Supplementary Objections and
Responses to DAPs' First Set of Interrogatories and know its contents. I am informed and believe
that the matters and things stated therein are true, and upon that ground allege that the matters and
things stated therein are true.

I hereby declare under penalty of perjury under the laws of the United States of America, and pursuant to Title 28, U.S. Code, Judiciary and Judicial Procedure § 1746 "Unsworn Declarations Under Penalty of Perjury," that the facts set forth in the document described above are true and correct.

Executed on July 9, 2014 at Andover, MA.

James Durchak

Director, Risk Management

Philips North America Corporation

MDL 1917

1 BAKER BOTTS L.L.P. Jon V. Swenson (SBN 233054) 1001 Page Mill Road Palo Alto, CA 94304 Telephone: (650) 739-7500 Facsimile: (650) 739-7699 Email: jon.swenson@bakerbotts.com 5 BAKER BOTTS L.L.P. 6 John M. Taladay (pro hac vice) Joseph Ostoyich (pro hac vice) Erik T. Koons (pro hac vice) Charles M. Malaise (pro hac vice) 1299 Pennsylvania Avenue, N.W. Washington, D.C. 20004-2400 Telephone: (202) 639-7700 Facsimile: (202) 639-7890 10 Email: john.taladay@bakerbotts.com Email: joseph.ostoyich@bakerbotts.com 11 Email: erik.koons@bakerbotts.com Email: charles.malaise@bakerbotts.com 12 Attorneys for Defendant Koninklijke Philips N.V. 13 14 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 15 SAN FRANCISCO DIVISION 16 Master File No. 3:07-cv-05944-SC (N.D. Cal.) In re: CATHODE RAY TUBE (CRT) 17 ANTITRUST LITIGATION MDL No. 1917 18 **OBJECTIONS AND RESPONSES OF** 19 **DEFENDANT KONINKLIJKE PHILIPS** This Document Relates to: N.V. TO DAPS' FIRST SET OF 20 **INTERROGATORIES** Electrograph Systems, Inc., et al. v. Hitachi, 21 Ltd., et al., No. 11-cv-01656; 22 Siegel v. Hitachi, Ltd., et al. No. 11-cv-05502; 23 Best Buy Co., Inc., et al. v. Hitachi, Ltd., et 24 al., No. 11-cy-05513; 25 Target Corp, et al. v. Chunghwa Picture Tubes, Ltd., et al., No. 11-cv-05514; 26 Interbond Corporation of America v. 27 Hitachi, et al., No. 11-cv-06275; 28 Office Depot, Inc. v. Hitachi Ltd., et al.,

1 2 3 4 5 6 7 8 9	PROPOUNDING PARTY:	Direct Action Plaintiffs Electrograph Systems, Inc. and Electrograph Technologies Corp.; Alfred H. Siegel, solely as Trustee of the Circuit City Stores, Inc. Liquidating Trust; Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com, L.L.C., and Magnolia Hi-Fi, Inc.; Target Corp., Sears, Roebuck, and Co., Kmart Corp.; Interbond Corporation of America; Office Depot, Inc.; CompuCom Systems, Inc.; Costco Wholesale Corporation; P.C. Richard & Son Long Island Corporation, MARTA Cooperative of America, Inc., and ABC Appliance, Inc.; Schultze Agency Services, LLC on behalf of Tweeter Opco, LLC and Tweeter Newco, LLC; Tech Data Corporation and Tech Data Product Management, Inc.; Dell Inc. and Dell Products L.P.; Sharp Electronics Corporation; and Sharp Electronics Manufacturing Company of America, Inc.
10	RESPONDING PARTY:	Koninklijke Philips N.V.
11	SET NO.:	One
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on KPNV beyond those of the Federal Rules of Civil Procedure, the Local Rules, or any Order of this Court.

#### **SPECIFIC RESPONSES TO INTERROGATORIES**

### INTERROGATORY NO. 1. - REQUEST FOR ADMISSION NO. 1

If your response to any request for admission in Direct Action Plaintiffs' First Set of Requests for Admission to Philips Defendants served with these Interrogatories is not an unqualified admission:

- (a) State the number of the request;
- (b) State all facts upon which you based your response;
- (c) Identify each person who has knowledge of those facts; and
- (d) Identify all documents that support your response

#### RESPONSE TO INTERROGATORY NO. 1 - REQUEST FOR ADMISSION NO. 1

In addition to KPNV's General Objections, which KPNV incorporates by reference, KPNV specifically objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to DAPs or stated in publicly available documents. KPNV also objects to this Interrogatory on the ground that it calls for a legal argument or legal conclusion. KPNV further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its foregoing objections, KPNV states that Philips
Electronics North America Corporation has not been a wholly-owned subsidiary of Philips
Holding USA Inc. from the beginning of the relevant period through the present. KPNV states
that Philips Holding USA Inc. was incorporated in July 1995. Philips Electronics North America
Corporation became a wholly-owned subsidiary of Philips Holding USA Inc. on January 1, 1996.
From January 1, 1995 through December 31, 1995, Philips Electronics North American
Corporation was named FGP Corp. and was a wholly-owned subsidiary of Philips Electronics

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N.V. The name of FGP Corp. was changed to Philips Electronics North America Corporation effective December 31, 1995.

INTERROGATORY NO. 2. - REQUEST FOR ADMISSION NO. 2

If your response to any request for admission in Direct Action Plaintiffs' First Set of Requests for Admission to Philips Defendants served with these Interrogatories is not an unqualified admission:

- (a) State the number of the request;
- (b) State all facts upon which you based your response;
- (c) Identify each person who has knowledge of those facts; and
- (d) Identify all documents that support your response

### **RESPONSE TO INTERROGATORY NO. 2 - REQUEST FOR ADMISSION NO. 2**

In addition to KPNV's General Objections, which KPNV incorporates by reference, KPNV specifically objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to DAPs or stated in publicly available documents. KPNV also objects to this Interrogatory on the ground that it calls for a legal argument or legal conclusion. KPNV further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its foregoing objections, KPNV states that Philips Holding USA Inc. has not been a wholly-owned subsidiary of KPNV for any period from the beginning of the Relevant Period through the present. KPNV states that from 1995 through 2009 KPNV owned 100% of the outstanding shares of Philips Holding USA, Inc. In 2009 a corporate restructuring occurred and the ownership structure from KPNV to Philips Holding USA Inc. became the following: KPNV owns 75.32% and Philips Belgium N.V. and Sedena Financial Services GCV have a combined 24.68% ownership interest in Philips Investment Services Lux Sarl. Philips Investment Services B.V.

1	Philips Investment Services B.V. owns 73.37% of Philips Holding USA Inc., while the remaining
2	26.63% is owned by: Respironics Holding France B.V. (0.398%), Respironics Holding UK B.V.
3	(1.39%, Respironics Holding Switzerland B.V. (00.133%), Respironics Bermuda Ltd. (11.82%),
4	Genlyte Holding C B.V. (2.16%), Genlyte Holding Canada B.V. (3.94%), Lifeline Systmes
5	Holding B.V. (0.796%) and Respironics Holding Japan B.V. (6.17%). As of May 16, 2014,
6	KPNV, Philips Lumileds Holding B.V. became an owner of 5.263% of Philips Holding USA Inc.
7	INTERROGATORY NO. 3 REQUEST FOR ADMISSION NO. 3
8	If your response to any request for admission in Direct Action Plaintiffs' First Set of
9	Requests for Admission to Philips Defendants served with these Interrogatories is not an
10	unqualified admission:
11	(a) State the number of the request;
12	(b) State all facts upon which you based your response;
13	(c) Identify each person who has knowledge of those facts; and
14	(d) Identify all documents that support your response
15	RESPONSE TO INTERROGATORY NO. 3 - REQUEST FOR ADMISSION NO. 3
16	In addition to KPNV's General Objections, which KPNV incorporates by reference,
17	KPNV specifically objects to this interrogatory on the grounds that it is overly broad, unduly
18	burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks
19	information that is maintained by and equally available to DAPs or stated in publicly available
20	documents. KPNV also objects to this Interrogatory on the ground that it calls for a legal
21	argument or legal conclusion. KPNV further objects to the use of the terms "unqualified,"
22	"knowledge," and "support" because they are vague, ambiguous, overbroad, unduly burdensome,
23	and not reasonably calculated to lead to the discovery of admissible evidence.
24	Subject to and without waiving its foregoing objections, KPNV states that it has no record
25	of a business division named Philips Consumer Electronics Co.
26	INTERROGATORY NO. 4 REQUEST FOR ADMISSION NO. 4
27	If your response to any request for admission in Direct Action Plaintiffs' First Set of
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1	1
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1	6
1	7
1	8
1	9
2	0
2	1
2	2
2	3
2	4
2	5

Requests for Admission to Philips Defendants served with these Interrogatories is not an unqualified admission:

- (a) State the number of the request;
- (b) State all facts upon which you based your response;
- (c) Identify each person who has knowledge of those facts; and
- (d) Identify all documents that support your response

#### RESPONSE TO INTERROGATORY NO. 4 - REQUEST FOR ADMISSION NO. 4

In addition to KPNV's General Objections, which KPNV incorporates by reference, KPNV specifically objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information that is maintained by and equally available to DAPs or stated in publicly available documents. KPNV also objects to this Interrogatory on the ground that it calls for a legal argument or legal conclusion. KPNV further objects to the use of the terms "unqualified," "knowledge," and "support" because they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its foregoing objections, KPNV states that Philips

Consumer Electronics was not a business division of Philips Electronics North America

Corporation from the beginning of the relevant period through the present. KPNV states that as
of January 1, 1998, the Philips enterprise went through a corporate reorganization where the
previous business divisions of Sound & Vision, Business Electronics, Industrial Electronics were
regrouped into the new division Philips Consumer Electronics. Philips Consumer Electronics
was a business division of the Philips enterprise until January 1, 2008 when it became Philips
Consumer Lifestyle.

#### **INTERROGATORY NO. 5. - REQUEST FOR ADMISSION NO. 5**

If your response to any request for admission in Direct Action Plaintiffs' First Set of Requests for Admission to Philips Defendants served with these Interrogatories is not an unqualified admission:

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#### **VERIFICATION**

I, Jap Jongedijk, am Senior Legal Counsel with Philips International B.V., and I am authorized to make this Verification on Koninklijke Philips N.V.'s behalf. I have read the attached Koninklijke Philips N.V.'s Supplementary Objections and Responses to DAPs' First Set of Interrogatories and know its contents. I am informed and believe that the matters and things stated therein are true, and upon that ground allege that the matters and things stated therein are true.

I hereby declare under penalty of perjury under the laws of the United States of America, and pursuant to Title 28, U.S. Code, Judiciary and Judicial Procedure § 1746 "Unsworn Declarations Under Penalty of Perjury," that the facts set forth in the document described above are true and correct.

Executed on July 10, 2014 at Amsterdam, Netherlands.

Jap Jongedijk Senior Legal Counsel Philips International B.V.

MDL 1917

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As filed with the Securities and Exchange Commission on May 7, 2001

#### SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM 20-F

(Mark one)

[ ] REGISTRATION STATEMENT PURSUANT TO SECTION 12(b)

OR (g) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended December 31, 2000

[ x ] OR

ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d)

OF THE SECURITIES EXCHANGE ACT OF 1934

[ ] For the fiscal year ended December 31, 2000

OR

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

Commission file number 2-20193

KONINKLIJKE PHILIPS ELECTRONICS N.V.

(Exact name of Registrant as specified in charter)

THE NETHERLANDS

(Jurisdiction of incorporation or organization)

REMBRANDT TOWER, AMSTELPLEIN 1, 1096 HA AMSTERDAM, THE NETHERLANDS

(ADDRESS OF PRINCIPAL EXECUTIVE OFFICE)

Securities registered or to be registered pursuant to Section 12(b) of the Act:

Title of each class

Name of each exchange on which registered

COMMON SHARES - PAR VALUE EURO (EUR) 0.20 PER SHARE

NEW YORK STOCK EXCHANGE

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#### LIST OF SIGNIFICANT SUBSIDIARIES

Philips Electronics Nederland B.V., Eindhoven, the Netherlands (100%)

Philips Electronics North America Corporation, Delaware, United States of America (100%)

Philips Beteiligungs-GmbH, Hamburg, Germany (100%)

Compagnie Francaise Philips, Suresnes, France (100%)

Philips UK Limited, Croydon, United Kingdom (100%)

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</DOCUMENT>

### **Panasonic Consumer Electronics Company**

### A Unit of Matsushita Electric Corporation of America

Remittance Address PANASONIC COMPANY EAST

F.O. BOX 13F09

MEWARK, NJ 07188-0509

Bill to

01

TRANSAMERICA COMM FINANCE CORP

P.O. BOX 94900

PALATINE, IL 60094-4700

Absolutely no returns will be accepted unless shipped prepaid after receipt of prior written authorization. All other claims must be made within 10 days after receipt of merchandise by consignee.

### INVOICE

Invoice Date	Invoice Number	_
091798	21386176	
Account Number	Control Number	_
4010305	10750811	
	086:004 WHSE:411	
Customer Service C	Contact	_
FINOVER	LORI	

Ship To Address

NATHAN MUCHNICK/TCFC

1725 CHESTNUT STREET

PHILADELPHIA, PA 19103

Terms of Payment		Order Date	Customer PO Number	
27 DUE ON RECEIPT	101298	091698	916GM-F0	i

SLMN 1E 475874 IN LIEU UF REBATE  GO GATTER  Carrier  B/LNumber	uantity Gross Unit Price Net Unit Pr	nit Price es Total
IN LIEU OF REBATE  8 SC-PM01  2 SUMN 1E 475874 IN LIEU OF REBATE  7 RX-0812  4 SUMN 1E 475874 IN LIEU OF REBATE  10 RQ-SW35V  6 SUMN 1E 475874 IN LIEU OF REBATE  11 RQ-SW45V  6 SLAN 1E 475874 IN LIEU OF REBATE  11 RQ-SW45V  6 SLAN 1E 475874 IN LIEU OF REBATE  7 Carrier  8/L Number	450.00 44	5.50 891.00
SLMN 1E 4758/4 IN LIEU OF REBATE  7 RX-0S12  4 SLMN 1E 475874 IN LIEU OF REBATE  10 RQ-8W35V  6 SLMN 1E 475874 IN LIEU OF REBATE  11 RQ-3W45V  6 SLMN 1E 475874 IN LIEU OF REBATE  11 RQ-3W45V  6 SLMN 1E 475874 IN LIEU OF REBATE	~1.00%	
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SI MN 1E  475874 IN LIEU OF REBATE  10 RQ-SW35V  6 SLMN 1E  475874 IN LIEU OF REBATE  11 RQ-SW4SV  6 SLMN 1E  475874 IN LIEU OF REBATE  70 The God	-1.00%	
IN LIEU OF REBATE  10 RQ-SW35V  6 SLMN 1E 475874 IN LIEU OF REBATE  6 SLMN 1E 475874 IN LIEU OF REBATE  70 The God	66.50	35.84 263.06
SLMN 1E  475874 IN LIEU OF RESATE  11 RQ-SW45V  6 SLMN 1E  475874 IN LIEU OF REBATE  70  The God	-1.00%	
IN LIEU OF RESATE  11 RQ-SW45V  6 SLMN 1E 475874 IN LIEU OF REBATE  70 The God	56.00	53.44 332.69
SLWN 1E  475874 IN LIEU OF REBATE  70  Carrier  B/L Number	-1.00%	
IN LIEU OF REBATE 90	63.00	<b>374.22</b>
	7,49 -1.00x #	37609
	,19 ±	37693
	1,48 #3	37806
SHELDON BELIVERY B93379 PRO NO. 9808933:	Sales/	Subtotal > Use Tax > Charges >
Shipping Terms Store Number  Prepaid Store 0000 AccNo 1007588 NATHAN	TOTAL INVO	DICE > Continued

(Rev. 11/97)

NM00001

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE

(CRT) ANTITRUST LITIGATION

Master File No.

CV-07-5944-SC

MDL No. 1917

June 27, 2013

- - -

Oral deposition EUGENE MUCHNICK taken

pursuant to notice, held at the Law Offices of

Berger & Montague, P.C., 1622 Locust Street,

Philadelphia, PA 19103, commencing at 9:30

a.m., on the above date, before Jennifer P.

Miller, Registered Professional Reporter and

Notary Public for the Commonwealth of

Pennsylvania.

```
1
      BY MR. MARKMAN:
2
                Sir, I'm handing you a document that
 3
      has been marked Exhibit 1736. And it is Bates
 4
      labeled MM00001.
 5
                     MR. MARKMAN: Can we go off the
6
           record for a second.
8
                        (Whereupon, an off-the-record
9
             discussion was held.)
10
11
      BY MR. MARKMAN:
12
                Sir, you have Exhibit 1736 in front
13
      of you; is that correct?
14
           Α.
                Correct.
15
                And do you recognize this document
16
      as an invoice from Panasonic Consumer
17
      Electronics Company dated September 17th 1988?
18
           Α.
                Yes.
19
                I'd like to have you walk through a
20
      few things on this invoice. If you turn your
21
      attention to halfway down on the left-hand
22
      side, it says customer product number; do you
23
      see that, sir?
24
           Α.
                Yes.
25
           Q.
                The first entry says, please correct
                                                                65
```

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1
      me if I read this wrong, is it CT-27SF25?
2
           Α.
                Yes.
 3
           Q.
                 Do you know what model that customer
 4
      product number references?
 5
           Α.
                Yes.
6
                What is it?
           0.
 7
                 It's a 27-inch Panasonic flat
           Α.
8
               When I say "flat screen," I mean flat
      screen.
9
      screen CRT.
10
           Q.
                 Okay.
11
                As opposed to an LCD.
12
                And do you see for that same product
13
      entry under quantity ordered, it says SLMN1E,
14
      under the quantity ordered?
15
           Α.
                 S-N-L-M-N, yes.
16
                What does that abbreviation
           Ο.
17
      reference, sir?
                No idea.
18
           Α.
19
                And below that it says in lieu of
           Q.
20
      rebate?
21
           Α.
                 Yes.
22
           0.
                 Do you see that?
23
                 There's a one-percent discount
           Α.
24
      extended out. You can see that in lieu of
25
      rebate.
```

1 Ο. And what is the one-percent discount 2 reference here for? 3 The quantity discount -- or quantity 4 rebate at the end of the year. I don't 5 remember. I don't remember. 6 Would this be an example of a volume 7 discount? 8 Yes, I guess it could be a volume Α. 9 discount. 10 The next entry for a customer Q. 11 product number, it says SC-3M01. 12 Α. Uh-hum. 13 Q. Do you see that, sir? 14 Α. Yes. 15 What is that model reference there? 0. 16 I'm trying to think of that. 17 think it was a combination of a -- it was a 18 portable CD and radio combination. It sold 19 for about \$180. 20 And if we go to the next entry, it Ο. 21 says RX-DS12. 22 Yes, that was a portable boom box. 23 What about the customer product Q. 24 number RO-SW35V? Three five and four five were 25

1 Walkman. 2 Q. Under shipping terms it says 3 prepaid; do you see that? I don't really -- down at the 4 5 bottom, I see. 6 Ο. The bottom left. 7 Α. Yes. 8 Was this typical of your purchases 0. 9 from Panasonic? 10 Well, this is what they shipped. 11 The order would have been much greater. 12 They didn't have everything in 13 stock at any given time necessarily. So here 14 they shipped part of this order. And this 15 could have referenced several different 16 purchase orders. It didn't necessarily all 17 come from one purchase order. 18 And if you look on the top left on Q. 19 the second box, it says bill to Transamerica 20 Commercial Finance Corporation. 21 Α. Yes. 22 Can you remind me again who is 23 Transamerica. 24 They're a finance company. They're 25 a factor. 68

888-575-3376

1 0. So can you explain how the billing 2 process would work between Panasonic, 3 Transamerica and Nathan Muchnick, Inc.? 4 We -- Panasonic shipped the product 5 and billed us and we paid Transamerica because 6 Transamerica paid Panasonic. 7 And under terms of payment, does it Q. 8 say 2 percent? 9 I can't read what number it 10 says. 11 Probably says 2 percent, 30, I would 12 quess, or 90 day. And you had to pay -- I 13 could pay it all in 30 days and get a 2 14 percent discount or I could take the 90 days 15 and pay it in thirds, which is what I did. 16 That's what you did. As a general 17 matter, you paid it in 90 days? 18 Well, you paid the third and 30, 19 third and 60, third and 90. 20 And you can see that's what I 21 did on the invoice here. 22 That was my next question. Thank 23 you very much. 24 Staying ahead of you here, if I can. Α. 25

1 CERTIFICATE 2 I HEREBY CERTIFY that the 3 proceedings, evidence and objections are 4 contained fully and accurately in the 5 stenographic notes taken by me upon the 6 deposition of EUGENE MUCHNICK taken on 7 June 27, 2013 and that this is 8 a true and correct transcript of same. 9 10 11 12 13 Jennifer Miller, RPR and 14 Notary Public 15 16 17 18 19 20 21 (The foregoing certification of 22 this transcript does not apply to any 23 reproduction of the same by any means 24 unless under the direct control and/or 25 supervision of the certifying reporter.) 91

[Document Submitted Under Seal]

UNITED S	STATES	DISTRICT	COURT
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#### NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

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In Re: CATHODE RAY TUBE (CRT)	)	
ANTITRUST LITIGATION,	)	
	)	
Plaintiff,	)	
	)	Case No.
	)	07-5944 Sc
	)	MDL No. 1917
This Document Relates to:	)	
	)	
ALL ACTIONS,	)	
·	)	

DEPOSITION OF PRINCETON DISPLAY TECHNOLOGIES, INCORPORATED'S

30(b)(6) WITNESS SUPRASAD BAIDYAROY, PH.D.

July 12, 2013

BALINDA DUNLAP, CSR No. 10710

360347





(310) 207-8000 Los Angeles (916) 922-5777 Sacramento (818) 702-0202 Woodland Hills (516) 277-9494 Garden City

(415) 433-5777 San Francisco (408) 885-0550 San Jose (212) 808-8500 New York City (914) 510-9110 White Plains +33 1 70 72 65 26 Paris +971 4 8137744 Dubai

(949) 955-0400 Irvine (760) 322-2240 Palm Springs (347) 821-4611 Brooklyn (312) 379-5566 Chicago

(858) 455-5444 San Diego (951) 686-0606 Riverside (518) 490-1910 Albany (702) 366-0500 Las Vegas +852 3693 1522 Hong Kong

```
1
        products?
     2
             Α.
                  No.
                  Thank you. From whom did Princeton
             Ο.
        purchase CDTs during the relevant period?
     4
     5
            Α.
                  Chunghwa Picture Tubes and Samsung SD.
10:54
                  Those were the only two suppliers that
     6
             Q.
     7
        Princeton used?
     8
            Α.
                  Yes.
     9
                  During what period of time did Princeton
             Q.
        purchase CDTs from Chunghwa?
10:55 10
    11
                              If you can remember.
                  MS. FAIT:
    12
             O.
                  BY MR. CUNNINGHAM: As best you can
    13
        remember.
    14
                  From memory, just approximately 2003,
             Α.
        2004.
10:55 15
    16
                  So you started making purchases in 2003
             Ο.
    17
        and ended in 2004, to the best of your
    18
        recollection?
    19
             Α.
                  With Chunghwa.
10:55 20
             Ο.
                  Right. And during what period of time did
    21
        Princeton purchase CDTs from Samsung SDI?
    22
                  From -- again, from 2003 to 2009.
    23
        is past the relevant period.
                  Did Princeton purchase any CDTs before
    24
             Ο.
10:56 25
        2003?
```

Do you know if the destination of the CDT 1 O. shipment played any role in the pricing you 2 3 received for the CDTs? Α. No. O. If you could turn to PRINCETON 29, please? 12:43 6 Α. Yes, sir. PRINCETON 29 is a commercial invoice from 7 Ο. Samsung SDI Malaysia, Bhd, correct? 8 9 Bhd, yes. Α. Uh-huh. My question is: Is this the SDI entity 12:44 10 Ο. 11 that you made -- that Princeton made all of its CDT 12 purchases from? 13 Α. All 15-inch. 14 And the 10-inch was made from a different Ο. 12:44 15 entity? 16 Α. Yes, I think Busan or Busan or whatever 17 you call them, came from Korea. Did -- forgive me if I've asked this 18 O. 19 before, but did you correspond or speak on the 12:44 20 phone with anyone from Samsung SDI Malaysia ever 21 during the relevant period? 22 Α. No. 23 Okay. Did you correspond on -- or speak Ο. 24 on the phone with anyone from a Samsung SDI company

during the relevant period?

12:45 25

- 1 Α. Yes. O. Okay. Do you remember who? Kevin Kim. Α. 4 O. Okay. Do you know what Kevin Kim's role 5 was at SDI? 12:45 6 Α. He's in sales, and he's on some of our 7 purchase orders. And what would you discuss with Kevin Kim? 8 Ο. Kevin Kim was based in Korea, Seoul, so 9 Α. mostly for 10-inch business, but he was also 12:45 10 11 channeling -- or monitoring the shipments out of 12 Malaysia. 13 So when we remit money or send a purchase 14 order, it is called in to -- to Mr. Kevin Kim. all our purchase orders were faxed to him or 12:45 15 16 emailed to him. Mostly fax at the time, but later 17 on we sent emails. 18 O. Is Kevin Kim the person who gave you price 19 quotations for your purchase of a 10-inch?
- 12:46 20 A. In the beginning he may have. I don't
  21 remember. But most of it was channeled through my
  22 friend in India.
  - Q. Okay. So how often did you speak to
    Mr. Kim?
- 12:46 25 A. Not very often, maybe once a year.

131

Okay. On what occasion would you speak to 1 Ο. 2 him? Begging him to ship quickly. Were you successful in getting him to ship 4 O. 5 quickly when you begged him? 12:46 Sometimes. 6 Α. 7 Okay. And did you also correspond with Ο. him by email? 8 9 Α. I don't recall. 12:46 10 Q. Most of your contact was by phone; is that 11 correct? 12 Α. With him, yes. Okay. Do you remember any other 13 Q. individuals from Samsung SDI Co. that you either 14 talked to or corresponded with? 12:46 15 16 Α. In Malaysia there are some logistical 17 people, sometimes the container movement, some 18 nonimportant things. 19 If things needed immediate attention, I 12:47 20 would pick up a phone and talk to some people. I 21 don't even remember their names today. This is 22 just to control the flow of the product. 23 But you didn't have a regular contact in Ο. 24 Malaysia like Mr. Kim?

12:47 25

Α.

No, no.

```
1
               DEPOSITION OFFICER'S CERTIFICATE
2.
    STATE OF CALIFORNIA
                                SS.
3
    COUNTY OF SAN FRANCISCO
4
5
6
             I, BALINDA DUNLAP, hereby certify:
7
             I am a duly qualified Certified Shorthand
8
    Reporter in the State of California, holder of
9
    Certificate Number CSR 10710 issued by the Court
10
    Reporters Board of California and which is in full force
11
    and effect. (Fed. R. Civ. P. 28(a)).
12
              I am authorized to administer oaths or
13
    affirmations pursuant to California Code of Civil
14
    Procedure, Section 2093(b) and prior to being examined,
15
    the witness was first duly sworn by me. (Fed. R. Civ.
    P. 28(a), 30(f)(1).
16
17
              I am not a relative or employee or attorney or
18
    counsel of any of the parties, nor am I a relative or
19
    employee of such attorney or counsel, nor am I
20
    financially interested in this action. (Fed. R. Civ. P.
21
    28).
22
              I am the deposition officer that
23
    stenographically recorded the testimony in the foregoing
24
    deposition and the foregoing transcript is a true record
25
                               / / /
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156

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of the testimony given by the witness. (Fed. R. Civ. P.
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2
    30(f)(1).
3
             Before completion of the deposition, review of
4
    the transcript [ x ] was [ ] was not requested.
                                                        Ιf
    requested, any changes made by the deponent (and
5
6
    provided to the reporter) during the period allowed, are
7
    appended hereto. (Fed. R. Civ. P. 30(e)).
8
    Dated: July 26, 2013
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#### SAMSUNG SDI CO., LTD. AND SUBSIDIARIES

Consolidated Financial Statements

**December 31, 2011 and 2010** 

(With Independent Auditors' Report Thereon)

#### SAMSUNG SDI CO., LTD. AND SUBSIDIARIES Notes to the Consolidated Financial Statements

For the years ended December 31, 2011 and 2010

#### 3. Significant Accounting Policies, Continued

#### (1) Basis of consolidation, Continued

Details of consolidated subsidiaries are as follows:

(In thousands of won, except n	umber of shares	s and percentage of ownership)		Percentage of ownership (***)		
Subsidiaries	of Decen		Capital stock as of December 31, 2011	December 31, 2011	December 31, 2010	
Samsung SDI America, Inc. ("SDIA")	U.S.A.	Manufacturing and sale of PDP	28,626,950	91.70%	91.70%	
Samsung SDI Germany GmbH ("SDIG") (*)	Germany	Supporting sales in Europe region	22,400,891	100.00%	100.00%	
Samsung SDI Hungary Rt. ("SDIHU")	Hungary	Manufacturing and sale of PDP	4,860,887	100.00%	100.00%	
Samsung SDI Europe GmbH ("SDIEU") (*) (**)	Germany	Sale of Solar Cell	1,558,180	100.00%	-	
Samsung SDI (Malaysia) Sdn, Bhd. ("SDI(M)")	Malaysia	Manufacturing and sale of CPT	43,581,363	68.60%	68.60%	
Samsung SDI Vietnam Ltd. ("SDIV") (*)	Vietnam	Manufacturing and sale of rechargeable battery	17,326,000	100.00%	100.00%	
Samsung SDI Energy Malaysia Sdn, Bhd. ("SDIEM") (**)	Malaysia	Manufacturing and sale of rechargeable battery	11,781,000	100.00%	-	
Samsung SDI (Hong Kong) Ltd. ("SDIHK")	Hong Kong	Sale of rechargeable battery, PDP	261,864,048	95.90%	95.90%	
SVIC 15 Fund ("SVIC 15")	Korea	Investments in new technology Venture business	29,818,182	99.00%	99.00%	
Subsidiary of SDIA						
Samsung SDI Mexico, S.A. de C.V. ("SDIM")	Mexico	Manufacturing of PDP	8,157,806	91.70%	91.70%	
Subsidiary of SDIG						
Samsung SDI Brazil Ltda. ("SDIB")	Brazil	Supporting sales in South America region	117,239,846	95.90%	95.90%	
Subsidiaries of SDIHK						
Shenzhen Samsung SDI Co., Ltd. ("SSDI") (*)	China	Manufacturing and sale of CRT, PDP	148,353,146	76.70%	76.70%	
Tianjin Samsung SDI Co., Ltd. ("TSDI") (*)	China	Manufacturing and sale of rechargeable battery	113,123,338	76.70%	76.70%	
Shanghai Samsung SVA Electronic Devices Co., Ltd. ("SSED") (*)	China	Manufacturing and sale of VFD, rechargeable battery	47,671,714	57.90%	57.90%	

^(*) In accordance with the local laws and regulations, no shares have been issued.

^(**) For the year ended December 31, 2011, SDIEU and SDIEM which were established during 2011 were included in the consolidated entities, which are located in Germany and Malaysia, respectively.

^(***) The above ownership percentages take into consideration both the Group's direct ownership and the Group's indirect ownership through its subsidiaries.

[Document Submitted Under Seal]

# EXHIBIT 166 [Document Submitted Under Seal]

[Document Submitted Under Seal]

# EXHIBIT 168 [Document Submitted Under Seal]

HITACHI AMERICA LTD - HED HOME ELECTRONICS DIV. DUNS 05-156-2908

1855 DORNOCH COURT SAN DIEGO, CA. 92154

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PLEASE ENGLOSE REMITT	ANCE		9338	020	

COPY WITH YOUR PAYMENT.

BILL TO:

SEND REMITTANCE TO: PO BOX 60090

RADIO & TV EQUIPMENT, INC.

LOS ANGELES CA 90060

3317 FIECHTNER DR P.O. BOX 9496 FARGO

SHIP TO:

RADIO & TV EQUIPMENT

TERROR	INNOO	ND 58103			WADI	a'er i∧ Æd∩I	PMENT, INC.
TERMS	60, NET 61	A/P LURIDRIVING.COM	FREIGHT				
RES	ALE# 36593				2311	FIECHTNER	DRIVE
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1 1	4144\$ 9/19/01	36UX01S	530	5283-004		<del></del>	NET AMOUNT
1	77 1 77 0 1	36" COLOR TV \$50.00 SPA	CA	1012121	4	795.79	3183.16
2	4144\$	53SBX10B	000	209-029	4	250500	**************************************
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اد ا	4144\$ 9/19/01	53SWX10B	536	283-008	2	1/	
4	4144\$	53" PROJ TV 61UDX10B	CAO	1012121	2	2333.33	4666.66
_	9/19/01	61" PROJ TV	536	283-010	2,	2064.52	4129.04
5	4144\$	DVP415U	F .524	1012121 283-013			1
	9/19/01	DVD PLAYER Z LASER M	CAO	1012121	<i>[</i> *]	155.91	623.64
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RADIO0002259

Hitachi Home Electronics (America), Inc.

D-U-N-S-06-772-9368



DOCUMENT NUMBER	DOCUMENT DATE	ACCOUNT	STORE	REGION	OPEN ACCOUNT
277298	1/29/99	323196	8888	020	

COPY WITH YOUR PAYMENT.

ND 58106

BILL TO:

FARGO

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RADIO & TV EQUIPMENT, INC.

ATLANTA, GA 30392

P.O. BOX 9496

SHIP TO:

RADIO & TV EQUIPMENT, INC.

TERMS		FREIGHT	3317 FIECHTNER DRIVE				
2% 60 •NET 61		PPD	-	FARGO		ND 58103	
LINE NUMBER	CUSTOMER REFERENCE/ ORDER DATE	MODEL NUMBER/DESCRIPTION	CONT	ROL NUMBER	SHIP QUANTITY	UNIT PRICE	NET AMOUNT
1	11085 1/29/99	27CX28B 27" COLOR TV		9360-001	. 2	315.79	631.58
2	11085 1/29/99	50UX58B 50" PROJ TV		9360-002 99001162	1	1605.26	1605.26
3	11085 1/29/99	60UX58K 60" PROJ TV	419	9360-003	1	2056.84	2056.84
4	11085 1/29/99	VMBPL13A PERFECT POWER 1.350M	419	9360-004 99001162	2	40.24	80.48
5	11085 1/29/99	VTFX633A 380 MM CHASSIS MBR V	419	9360-006 99001162	2	126.32	252.64
		Pricing Of Vendor # Account C	('d By_	VII VI	7 2/9	•	

RETURN OF MERCHANDISE WILL NOT BE ACCEPTED WITHOUT PRIOR MRA AUTHORIZATION.
RETURNED MERCHANDISE MAY BE SUBJECT TO A RESTOCKING CHARGE.

PAGE: 001 OF 001 (END)

1016 (8/98)

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**TOTAL**